

Summary of the 2009–2010 Wisconsin Legislative Session

Wisconsin Legislative Reference Bureau

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Abbreviations

AB	Assembly Bill	DOT	Department of Transportation
ARRA	Federal American Recovery and Reinvestment Act of 2009	DPI	Department of Public Instruction
Commerce	Department of Commerce	DRL	Department of Regulation and Licensing
DATCP	Department of Agriculture, Trade and Consumer Protection	DVA	Department of Veterans Affairs
DCF	Department of Children and Families	DWD	Department of Workforce Development
DETF	Department of Employee Trust Funds	JCF	Joint Committee on Finance
DFI	Department of Financial Institutions	OSER	Office of State Employment Relations
DHS	Department of Health Services	PSC	Public Service Commission
DMA	Department of Military Affairs	SB	Senate Bill
DNR	Department of Natural Resources	UW	University of Wisconsin
DOA	Department of Administration	WHEDA	Wisconsin Housing and Economic Development Authority
DOC	Department of Corrections	WRS	Wisconsin Retirement System
DOJ	Department of Justice	WTCS	Wisconsin Technical College System
DOR	Department of Revenue		

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Introduction

This research bulletin provides an overview of the acts and joint resolutions of the 2009–2010 Wisconsin Legislative Session. Legislation is organized by topic with acts described under the appropriate subject heading or headings. Summaries of enrolled joint resolutions that propose amendments to the Wisconsin Constitution are found under the heading “Constitutional Amendments.” Significant acts and joint resolutions are highlighted by shading.

Administrative Law

Act 324 (SB-583) limits the time in which a person may appeal an administrative decision in any case other than a contested case to 30 days after the decision, which is the same limit as in a contested case. Former law allowed six months to appeal. A contested case is a proceeding in which a substantial interest of one of the parties is determined or adversely affected.

Agriculture

Act 28 (AB-75) makes numerous changes to the Farmland Preservation Program, under which a farmer may qualify for the farmland preservation tax credit if the farm is in a county with a certified farmland preservation plan and either is in a farmland preservation zoning district or is covered by a farmland preservation agreement with DATCP. The act modifies the requirements for farmland preservation plans and farmland preservation zoning ordinances and requires counties and municipalities to update their plans and zoning ordinances for farmers to remain eligible for the tax credit. The act prohibits DATCP from entering into new farmland preservation agreements, except in limited areas designated by DATCP based on petitions by farmers and local governments. See also *Act 374*.

Act 28 also does the following:

1. Creates a program under which DATCP, in conjunction with local governments and nonprofit conservation organizations, purchases agricultural conservation easements from willing landowners. An agricultural conservation easement requires that land covered by the easement be kept in agricultural use. See also *Taxation*, items 12 and 13, and *Transportation — Other Transportation*, item 8.

2. Replaces a specific list of costs that DATCP may be awarded in an action enforcing laws under DATCP jurisdiction with language permitting the recovery of reasonable and documented enforcement costs that DATCP incurs.

Act 69 (AB-153) gives the secretary of DATCP and the secretary of tourism the option of appointing employees of their departments to serve on the State Fair Park Board instead of serving on the board themselves.

Act 90 (AB-250) requires persons who sell at least 25 dogs per year (including persons operating what are commonly called puppy mills), who operate auctions at which dogs are sold, or who operate animal shelters for dogs to be licensed by DATCP. DATCP must peri-

odically inspect the facilities where licensees keep dogs. The act requires licensees to provide dogs with adequate food, water, veterinary care, shelter, and opportunity for exercise. The act prohibits a licensee from selling a dog younger than seven weeks old and requires a licensee to provide a person who buys a dog with information about the dog's health.

Act 101 (AB-229) authorizes a person to sell home-canned food without a food processing license under certain conditions, including that the person receives less than \$5,000 per year from the sale of the home-canned food.

Act 108 (AB-418) requires DATCP to designate an employee to serve as county fair coordinator.

Act 139 (AB-166) eliminates the requirement that a veterinary clinic where pesticides are used or repackaged have a permit issued by DATCP.

Act 240 (SB-446) eliminates the requirement for a report on the Petroleum Storage Remedial Action Program (commonly known as PECFA).

Act 286 (AB-314) requires each railroad to provide its employees with pesticide safety training and with information concerning the application of pesticides to railroad rights-of-way.

Act 293 (AB-746) requires DATCP to encourage schools to adopt farm to school programs to provide locally produced fresh foods in school meals and snacks, improve nutritional and agricultural education, and improve farmers' incomes.

Act 296 (SB-527) makes numerous changes to the Agricultural Producer Security Program, which reimburses agricultural producers for a portion of their losses when companies that buy milk and certain other farm products (contractors) default on their obligations. The changes include authorizing DATCP to deny reimbursement to a producer when a defaulting contractor and the producer are under common ownership.

Act 374 (SB-623) requires DATCP to process applications for farmland preservation agreements submitted before July 1, 2009, using the law as it existed before Act 28 took effect, making the applicants eligible for the farmland preservation tax credit.

Act 398 (SB-268) creates an exception to the prohibition against locating a facility in which animal parts are processed to produce products, such as animal food, that are not for human consumption within one-eighth mile of another business or a residence if the city, village, or town in which the facility would be located approves.

Act 401 (SB-279) expands a grant and loan program to include projects involving the production, harvest, storage, and transport of forestry products used to

produce alternative fuels, electricity, or heat. See also *Business and Consumer Law — Economic Development and Investment*; *Business and Consumer Law — Other Business and Consumer Law*; *Education — Higher Education*; *State Government — Other State Government*; and *Taxation*.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 434 would have authorized dairy farmers to sell unpasteurized milk (also called raw milk) directly to consumers until December 31, 2011.

Beverages

Act 28 (AB-75) does all of the following:

1. Allows a manufacturer or rectifier to make retail sales, and provide free taste samples, of intoxicating liquor that is manufactured or rectified on the premises.

2. Creates retail beer and intoxicating liquor permits issued by DOR for certain American Indian tribes. These permits authorize the retail sale of beer and intoxicating liquor for consumption on or off the premises where sold, subject to certain limitations for intoxicating liquor.

3. Allows a caterer issued a retail beer or intoxicating liquor license to sell beer or intoxicating liquor at the Heritage Hill state park during special events.

4. Creates exceptions to the retail intoxicating liquor license quota for two cities in Dane County, a city adjacent to Milwaukee, and a capital improvement area in the city of Oconomowoc.

Act 73 (AB-8) creates a retail liquor license quota exception for a restaurant located on a golf course in Bayfield County that meets specified criteria.

Act 128 (AB-248) permits the holder of a retail alcohol beverages license issued for a park in Milwaukee to allow customers to carry onto and consume in the park beer or intoxicating liquor that was purchased elsewhere.

Act 395 (AB-335) creates an exception to the general prohibition against consumption of alcohol beverages in public places not covered by a retail license for events held on a private college campus.

Buildings and Safety

Act 16 (SB-94) requires Commerce to regulate the installation and maintenance of thermal system insulation in

commercial and industrial buildings and in residential buildings with four or more units.

Act 28 (AB-75) does the following:

1. Prohibits a person, with certain exceptions, from working as a construction contractor unless he or she is registered with Commerce.

2. Allows a city mayor, village president, or town chairperson to authorize any person, regardless of whether the person is an employee of the city, village, or town, to issue fireworks user permits.

Act 158 (SB-415) requires the owner of most buildings that contain one or two dwelling units to install a carbon monoxide detector on each floor unless the building has no attached garage, no fireplace, and no fuel-burning appliances.

Act 200 (SB-267) modifies the definition of “plumbing” in laws that regulate plumbing and the licensing of plumbers to include exterior plumbing for certain purposes and allows plumbers that are licensed to install septic tanks also to install outside water services and stormwater and reclaimed water systems.

Act 239 (SB-445) eliminates a duplicative labeling requirement on packages containing a substance that creates a fire hazard when mixed with organic matter.

Act 276 (AB-720) changes the definition of “substantial wall” for purposes of determining whether a place is an enclosed place where smoking is generally prohibited.

Act 371 (SB-424) specifies that a sport shooting range that exists on June 18, 2010, may continue to operate at the same location even if the sport shooting range is expanded, enhanced, or improved.

Act 390 (AB-903) requires Commerce to establish standards for anchoring movable soccer goals and prohibits a person from erecting a movable soccer goal on public land unless the person complies with the standards.

Act 392 (AB-950) extends the deadlines for local governmental units to complete inventories of private sewage systems and to implement a maintenance program for these systems.

Business and Consumer Law

ECONOMIC DEVELOPMENT AND INVESTMENT

Act 2 (SB-62) makes the following changes to laws governing economic development and investment:

1. Authorizes the Wisconsin Health and Educational Facilities Authority to issue bonds to finance projects that a participating research institution undertakes for a research facility or to refinance debt of any such institution.

2. Authorizes WHEDA to make or be a party to loans that refinance qualified subprime mortgage loans, defined as adjustable-rate, single-family, residential mortgage loans made after December 31, 2001, and before January 1, 2008, and to issue bonds and notes for this purpose.

3. Authorizes WHEDA to enter into agreements with lending institutions to refinance, or to make or to be a party to a loan to refinance, mortgage loans for borrowers who would otherwise be unable to obtain refinancing.

4. Requires Commerce to award a grant of up to \$200,000 to the Tenant Resource Center in Madison to provide foreclosure education and assistance to tenants throughout the state; a grant of \$1,000,000 to the Wisconsin Regional Training Partnership/Building Industry Group Skilled Trades Employment Program; and grants totaling \$1,895,000 to a number of labor organizations in specific building trades for green job training.

5. Consolidates development zones, enterprise development zones, technology zones, agricultural development zones, and airport development zones into one program. Under prior law, each development zone program provided tax benefits to persons who conducted eligible activities within designated areas. Under the consolidated program, persons may obtain tax credits for conducting eligible activities anywhere in the state and may obtain additional tax benefits for conducting eligible activities that are within an economically distressed area or that benefit members of a targeted group.

Act 11 (AB-255) makes the following changes to the Enterprise Zone Program administered by Commerce:

1. Eliminates the limit of 50 acres imposed on the size of an enterprise zone.

2. Requires Commerce to define Tier I and Tier II counties or municipalities and specify whether an enterprise zone is located in a Tier I or Tier II county or municipality.

3. Authorizes a taxpayer located in an enterprise zone to claim tax credits for job creation and job retention that vary depending upon whether the jobs are located in a Tier I or Tier II county or municipality. See also *Taxation*.

Act 28 (AB-75) makes the following changes to laws relating to economic development:

1. Eliminates the Minority Business Development (MBD) and Community Based Economic Development programs, the MBD Board, and the Development Finance Board; creates the Economic Policy Board and a Forward Innovation Fund; and authorizes Commerce to award grants or make loans to eligible applicants to undertake certain activities that promote economic growth.

2. Modifies the criteria that Commerce must consider when awarding brownfields grants, eliminates weighting assigned to criteria, and eliminates the requirement that the responsible party be unable to pay for redevelopment or remediation activities.

3. Authorizes the designation of a development opportunity zone (DOZ) in the city of Kenosha and in the city of Janesville, and permits a business that submits a plan to Commerce jointly with the city and that conducts economic activities in the DOZ to claim tax benefits. A new DOZ terminates after 60 months but may be renewed for an additional 60 months. In each new DOZ, and for each 60-month duration, eligible businesses may claim up to \$5,000,000 in tax benefits.

4. Permits the Department of Tourism to award grants to municipalities, federally recognized American Indian tribes, and nonprofit organizations whose purposes include tourism to operate tourist information centers in the state.

5. Eliminates state funding for Forward Wisconsin, a nonprofit organization that markets this state to attract economic activity.

6. Expands Commerce's authority to collect a 2 percent origination fee on awards of \$100,000 or more by authorizing the fee on awards under additional grant and loan programs.

7. Requires Commerce to award grants to assist small businesses in obtaining federal innovation research grants.

8. Requires Commerce to award grants to new businesses that provide paid internships for college and university students and to award grants to colleges and universities that place students in the internships.

9. Extends through June 2015 a grant program for reducing diesel truck idling.

10. Authorizes Commerce to certify a person to receive tax benefits for up to 10 years if the person increases net employment in a business located in a Tier I or II county or municipality and either pays full-time employees certain specified wages or improves the skills of full-time employees in new technologies. See also *Taxation*.

11. Permits Commerce to certify a business that makes a significant capital expenditure in an enterprise

zone to receive a tax credit of up to 10 percent of the expenditure. See also *Taxation*, items 17 and 18.

Act 112 (SB-440) requires Commerce to develop a system to reallocate recovery zone facility bonding authority under ARRA among local units of government and authorities. Commerce must consider the availability of federal midwest disaster area bonds as an alternative source of financing when exercising the reallocation authority. See also *Local Law*.

Act 265 (SB-409) makes the following changes affecting economic development law:

1. Creates a temporary program to award up to \$500,000 in grants to businesses for outsourcing work to rural municipalities.

2. Increases from \$250,000 to \$750,000 the limit on annual grants to a high-technology business development corporation, funds a grant writer position for federal small business loans, and awards a grant for an economic modeling database for use by regional economic development entities.

3. Creates a temporary program to award up to \$2,000,000 in grants for converting existing manufacturing facilities to renewable energy production and for equipment used to produce renewable energy.

4. Increases the Wisconsin development fund by \$500,000 in each year of the 2009-11 fiscal biennium. The Wisconsin development fund provides funding for several existing economic development programs.

5. Directs Commerce to establish a pilot program to create new businesses by distributing up to \$500,000 in loans of not more than \$25,000.

6. Permits Commerce to award grants and make loans to research institutions for research and development activities that will create or retain jobs or improve the innovativeness and competitiveness of businesses in this state.

7. Renames the Regulatory Ombudsman Center in Commerce as the Office of Regulatory Assistance; modifies the responsibilities of the office; directs the office to act as a liaison among businesses, economic development organizations, and state and local governmental units, to help businesses understand permitting and licensing requirements, and to obtain and maintain such permits and licenses; and requires at least two full-time employees to staff the office. See also *Education — Higher Education* and *Taxation*.

Act 266 (AB-768) permits Commerce to designate a total of 12, rather than 10, enterprise zones.

Act 267 (AB-864) permits Commerce to certify a business to receive tax credits if the business is located in an enterprise zone and purchases tangible personal

property items, real property, goods, or services from Wisconsin vendors. See also *Taxation*.

Act 268 (AB-532) directs Commerce to award up to \$350,000 in grants to Wisconsin Business Development Finance Corporation to establish a statewide program to encourage business loans to borrowers who might lack collateral, net worth, or credit history.

Act 270 (AB-771) requires Commerce to award up to \$710,000 in grants to the Wisconsin Workforce Development Association for a video conferencing system for job centers across the state for collaborative meetings, career guidance workshops, and other purposes.

Act 299 (AB-228) requires Commerce to certify businesses and other entities owned by disabled veterans. To be certified, the business or entity must have its primary place of business in Wisconsin; one or more disabled veterans must own the majority of the business or entity; one or more disabled veterans must manage the business or entity; and the business or entity must perform a useful business function. See also *State Government — State Procurement* and *Transportation — Other Transportation*.

Act 332 (SB-651) authorizes loans to manufacturing businesses for implementing energy efficiency or renewable energy measures, retooling to manufacture products that support the green economy, expanding or establishing domestic clean energy manufacturing, or creating or retaining jobs for workers engaged in these activities. Commerce must promulgate job creation and retention standards, establish minimum energy savings to qualify, give priority to existing businesses and idle facilities, ensure that loans are distributed to businesses throughout the state, and require that workers paid with loan proceeds receive at least 150 percent of the federal minimum wage. Funding comes from both state and federal revenue. Loan repayments are used to fund additional loans. See also *Taxation*.

Act 401 (SB-279) authorizes Commerce to award grants and make loans to construct facilities that convert biomass into fuels and products and that may produce electricity. See also *Agriculture; Business and Consumer Law — Other Business and Consumer Law; Education — Higher Education; State Government — Other State Government; and Taxation*.

OTHER BUSINESS AND CONSUMER LAW

Act 28 (AB-75) requires DATCP to regulate vehicle scales and modifies the regulation of liquid petroleum gas meters and vehicle tank meters.

Act 110 (AB-202) eliminates the bulk transfer provisions of the Uniform Commercial Code (UCC), which governed the process for notifying creditors of bulk

transfers of property that are not in the ordinary course of the transferor's business.

Act 115 (SB-242) creates regulatory requirements for contracts for the right to purchase goods or rent videotapes that apply if the contractor meets certain consumer protection conditions, including posting a \$250,000 bond and making additional disclosures regarding a buyer's right to cancel a contract and return merchandise.

Act 145 (SB-271) prohibits the sale of baby bottles and containers that are intended for use by children under the age of three and that contain bisphenol A (BPA). The act also requires that baby bottles and containers be conspicuously labeled as BPA-free.

Act 150 (AB-261) generally prohibits soliciting the purchase of goods or services by delivering an unsolicited check payable to the recipient, if endorsement purports to bind the recipient to purchasing goods or services. The act requires checks offering credit to disclose certain information, including credit terms.

Act 169 (AB-575) requires DATCP to establish standards for products sold as honey. Under the act, only products that have been tested and meet the standards may be sold as Wisconsin certified honey, and only products that meet the standards may be sold as honey.

Act 192 (SB-190) regulates certain contracts for the sale of business services or for the lease of business equipment that provide for automatic renewal or extension. Generally, if a contract automatically renews or extends for more than one month, the seller must make certain disclosures regarding the terms and conditions of the contract. If a contract automatically renews or extends for more than one year, the seller must alert the customer to the automatic renewal or extension between 15 and 60 days before the renewal or extension takes effect. The act is enforceable by a private action for damages.

Act 236 (AB-564) allows a domestic or foreign limited liability company to reserve its company name for up to 10 years after a merger, change of name, or dissolution by filing certain documents with DFI.

Act 237 (AB-565) allows a domestic or foreign registered limited liability partnership to change its registered office or registered agent by filing a specified document with DFI.

Act 320 (SB-472) revises Article 1 of the UCC, which is the general provisions chapter of the code.

Act 322 (SB-480) revises Article 7 of the UCC, which regulates the transfer of goods in interstate commerce, specifically dealing with the transfer of title to goods that are moved or shipped from one location to another.

Act 347 (SB-581) prohibits DFI from recording in its corporate registration system any instrument containing an

individual's social security number (SSN) and prohibits an office in which financing statements are filed under Article 9 of the UCC from filing or indexing a record containing an individual's SSN.

Act 381 (AB-842) requires antifreeze sold in this state to contain a bittering agent and grants manufacturers and sellers immunity from any injuries or damages that result from doing so.

Act 387 (SB-528) authorizes electronic voting on certain motions at a meeting of a cooperative if the cooperative permits absent members to vote on the motion using paper ballots, as permitted under former law; the bylaws provide for electronic voting; the cooperative is able to authenticate the member's vote; and an electronic vote has the same effect as a paper ballot by an absent member.

Act 401 (SB-279) requires motor fuel dealership grantors to offer dealers gasoline that has not been blended with ethanol for subsequent blending and resale. See also *Agriculture; Business and Consumer Law — Economic Development and Investment; Education — Higher Education; State Government — Other State Government; and Taxation.*

Children

Act 19 (SB-141) requires a child care provider to have a child safety alarm installed in a vehicle that has the capacity of six or more passengers in addition to the driver and that is used to transport children to and from the provider. A child safety alarm prompts the driver to inspect the vehicle for children before exiting the vehicle.

Act 28 (AB-75) makes the following changes to the laws relating to children:

1. Requires DCF to implement a graduated foster care licensing system providing monthly rates for foster care that are commensurate with the level of care required to meet the needs of a child. Under former law, a home could be licensed as a foster home and receive an age-related basic maintenance rate or as a treatment foster home and receive that rate plus a supplemental payment. See also *Act 71*.

2. Increases the monthly age-related basic maintenance rates paid to nonrelative foster parents by 5 percent and the monthly rate paid to relative foster parents by 2.5 percent, beginning on January 1, 2011; requires foster parents to complete training in the care and support needs of foster children; and requires DCF to conduct a foster care public information campaign. See also *Acts 71 and 336*.

3. Requires DCF to provide a child care quality rating system for licensed child care providers that re-

ceive reimbursement under the Wisconsin Works (W-2) Program or that volunteer for rating under that system and to make available on its Internet site a description of any violations a provider commits and any steps the provider takes to correct the violation.

4. Requires DCF to establish a pilot program under which a participating county may employ alternative responses to a child abuse or neglect report. Under the program, a participating county may respond to such a report by investigating the report, offering to provide voluntary services, or referring the family to a community service provider for voluntary services.

5. Requires a county participating in the Child Abuse and Neglect Prevention Program to offer all pregnant women in the county who are eligible for Medical Assistance (MA) an assessment of whether they are at risk of poor birth outcomes or abuse or neglect and, if so, to offer home visitation services. Under former law, the program was limited to preventing child abuse and neglect, and services were offered only to first-time parents who were eligible for MA. See also *Act 82*.

6. Requires DCF to establish the per client rate that a group home, residential care center for children and youth, or child welfare agency (provider) may charge and prohibits a provider from providing a service if the provider and DCF have not agreed on a rate for that service after negotiations and mediation. Former law permitted providers to set their own rates. See also *Act 335*.

7. Permits DCF to expend certain Indian gaming receipts for unexpected or unusually high-cost out-of-home care placements of Indian children ordered by tribal courts and permits DOC to expend those receipts for such placements of Indian juveniles who have been adjudged delinquent by tribal courts or juvenile courts. See also *Act 233*.

Act 71 (SB-361) makes the following changes relating to foster care:

1. Requires that a foster parent certified by DCF to provide level one care be reimbursed at the basic maintenance rate paid for foster care and that a foster parent certified to provide a higher level of care be reimbursed according to the age-related basic maintenance rates paid for foster care and receive supplemental payments for that level of care, regardless of whether the foster parent is a relative. Under former law, a relative foster parent was reimbursed at the basic maintenance rate and a nonrelative foster parent was reimbursed according to the age-related basic maintenance rates and was eligible for supplemental payments.

2. Prohibits a foster home certified to provide a given level of care from providing care for a child whose needs are above that level unless the home has support and services sufficient to meet those needs and the licensing agency grants an exception to the prohibition.

3. Requires a relative receiving kinship care payments for providing court-ordered care for a child to apply for a foster home license, and permits such a relative who is determined ineligible for licensure to continue to receive those payments if the court orders the child to remain in the home.

4. Permits a county to issue a license to a person to operate a foster home located in another county without the agreement of the latter county if the person is a relative or guardian of the child who will be placed in the foster home. See also *Act 28*, items 1 and 2.

Act 76 (SB-331) makes the following changes relating to background investigations of child care providers and the caregivers and nonclient residents of those providers:

1. Provides that a person may not be licensed or certified as a child care provider if he or she has been convicted or adjudged delinquent on or after his or her 12th birthday for committing felony misappropriation of property or a crime against a financial institution that is a felony, and that a person may not be licensed or certified as a child care provider or permitted to be a caregiver or nonclient resident of a child care provider if he or she has been so convicted or adjudged for committing a crime against children that is a felony; felony spousal battery; one of certain violent felonies; providing false information or intentionally withholding information for purposes of a background investigation; public assistance fraud; or, if he or she completed his or her sentence within the last five years, felony battery, carjacking, hazing, or failure to pay child support or a drug or alcohol-related felony.

2. Requires a background investigation that includes a search of the sex offender registry to be conducted every three months for a licensed or certified child care provider and annually for a caregiver or nonclient resident of such a provider. Former law required investigations every four years and included in the investigation only a criminal history, abuse record, and credential status search. See also *Health and Social Services — Public Assistance*.

Act 78 (SB-299) requires DCF, subject to certain exceptions, to disclose to the legislature, the governor, and the general public certain information when a death or a serious injury as a result of child abuse or neglect or an incident of egregious child abuse or neglect has occurred and to transmit to the legislature and governor quarterly reports of all incidents of sexual abuse of a child placed in out-of-home care. Former law permitted an agency, under certain circumstances and subject to certain exceptions, to disclose to the general public certain information when death or serious injury as a result of child abuse or neglect occurred, but did not require such disclosure unless ordered by a court.

Act 79 (SB-347) conforms certain provisions of the Children's Code and Juvenile Justice Code relating to children placed in out-of-home care to recent changes made to Title IV-E of the federal Social Security Act. The act does all of the following:

1. Requires the juvenile court to expedite the interstate placement of children, consult with a child concerning the child's permanency plan, which is a plan designed to ensure that a child placed outside the home is reunified with his or her family or attains a placement providing long-term stability, and give a child's out-of-home care provider the right to be heard at proceedings involving the child.

2. Requires an agency to provide the adult relatives of a child who is removed from the home notice of their options regarding participating in the care and placement of the child, make reasonable efforts to place siblings together or to provide for visitation between the siblings when placing siblings outside the home, include efforts to place a child outside the state when making efforts to place the child in a permanent placement, and assist a child who is about to turn 18 years of age in developing a plan to transition to independent living.

Act 81 (AB-164) grants to a relative in whose home a child has been placed the right to appeal to DCF any decision of an agency affecting the relative, the right to petition the court to review any such decision involving the placement and care of the child, and, if the child has been in the home for at least six months, the right to notice and a hearing before the child may be removed from the home. Former law granted those rights only to a foster parent or head of a group home.

Act 82 (AB-297) eliminates the caps on the number of urban counties, rural counties, and Indian tribes that may participate in the Child Abuse and Neglect Prevention Program, permits Milwaukee County to provide home visitation and case management services under the program, and makes various other changes to the program, including changes relating to the selection and training of participants in the program and the evaluation of home visitation services provided under the program. See also *Act 28*, item 5.

Act 94 (SB-288) incorporates the federal Indian Child Welfare Act, which governs Indian child custody proceedings, into the Children's Code and Juvenile Justice Code. The act requires notice of an out-of-home care or involuntary termination of parental rights (TPR) proceeding involving an Indian child to be provided to the child's tribe; requires the juvenile court, subject to certain exceptions, to transfer such a proceeding to the tribal court upon petition of the Indian child's parent, Indian custodian, or tribe; prohibits a juvenile court from ordering an out-of-home care placement of or an involuntary TPR to an Indian child unless the court finds

that continued custody of the child by his or her parent or Indian custodian is likely to result in serious emotional or physical damage to the child and that active efforts have been made to prevent the breakup of the child's family; and establishes an order of placement preference for an Indian child who is placed in an out-of-home care or adoptive placement under which, subject to certain exceptions, the child must be placed with an extended family member or in another Indian home.

Act 185 (AB-485) eliminates certain exceptions to the requirement that the juvenile court, before placing a child outside the home, find that reasonable efforts have been made to achieve the goal of the child's permanency plan and requires a juvenile court, before placing a juvenile adjudged delinquent outside the home, to warn the parents of any applicable TPR grounds and of the conditions necessary for the juvenile to be returned home.

Act 233 (SB-475) limits DOC's authority to expend certain Indian gaming receipts for unexpected or unusually high-cost placements of Indian juveniles adjudged delinquent to placements made by tribal courts. Former law permitted the expenditure for any Indian juveniles adjudged delinquent. See also *Act 28*, item 7.

Act 335 (AB-780) requires DCF to certify the need for additional placement resources before a new group home may be licensed or the capacity of an existing group home increased; requires DCF to implement a performance-based contracting system for group homes, residential care centers for children and youth, and child welfare agencies that provide rate-based services for DCF or a county (providers); eliminates certain caps on the amount of the surplus generated by those services that a provider may retain; and requires DCF to determine the rate for a provider's services if after mediation DCF and the provider cannot agree on a rate. Former law prohibited a provider from providing a service if DCF and the provider could not agree on a rate for the service. See also *Act 28*, item 6.

Act 336 (AB-823) requires a foster parent to complete training in the care and support needs of foster children before the first child is placed with the foster parent and on an ongoing basis, specifies the topics that the training must include, and requires the training to be made available also to relatives who are receiving kinship care payments for providing care for a child. See also *Act 28*, item 2.

Act 337 (AB-883) requires the Milwaukee Child Welfare Partnership Council to hold at least one public hearing annually at which the council must encourage public participation and solicit public input regarding the child welfare system in Milwaukee County and to submit annually to DCF its recommendations regarding that system.

Act 338 (SB-375) permits the juvenile court to transfer to DCF, and DCF to transfer to the juvenile court, confidential electronic records; permits such records transferred to DCF to be used and further disclosed only for the purpose of providing child welfare or juvenile justice intake or dispositional services; and permits such records transferred to the juvenile court to be used and further disclosed only as permitted under the Children's Code and Juvenile Justice Code.

Act 339 (SB-517) adopts the Interstate Compact for the Placement of Children, which applies to the interstate placement of a child who has been abused, neglected, or deprived; of a child adjudged delinquent or unmanageable who is not covered under any other interstate compact; or of a child as a preliminary step to adoption. The purposes of the compact are to provide a process through which such children are placed in safe and suitable homes in a timely manner and to facilitate ongoing supervision of such placements, the delivery of services, and communication between the states.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 590 would have permitted a determination of child abuse or neglect based solely on the fact that the child's parent relies on prayer or other religious means for treatment of disease or for remedial care of the child.

Assembly Bill 732 and *Senate Bill 674* would have raised from 17 to 18 the age at which an adult criminal court, rather than the juvenile court, has jurisdiction over a person who violates a criminal law.

Constitutional Amendments

Enrolled Joint Resolution 27 (*Senate Joint Resolution 11*), proposed by the 2009 legislature on first consideration, places identical restrictions on the county executive's partial veto power over appropriations as are placed on the governor's partial veto power over appropriations. To become part of the constitution, it must be concurred in by the 2011 legislature and ratified by the electorate.

Enrolled Joint Resolution 40 (*Senate Joint Resolution 61*), proposed by the 2009 legislature on first consideration, prohibits the governor, in exercising his or her partial veto power over an appropriations bill, from partially vetoing parts of bill sections of an enrolled bill without rejecting the entire bill section. To become part of the constitution, it must be concurred in by the 2011 legislature and ratified by the electorate.

Correctional System

REINTEGRATION OF OFFENDERS

Act 28 (AB-75) requires the Office of Justice Assistance to facilitate the reintegration of American Indians into their tribal communities upon their release from imprisonment.

Act 104 (AB-364) requires the Council on Offender Reentry to annually report to the governor any impact the council has had on recidivism, its progress on implementing a plan for offenders to reenter society, and its legislative and policy recommendations.

SENTENCING

Act 28 (AB-75) makes the following changes to sentencing for crimes:

1. Allows most persons sentenced for a crime to earn positive adjustment time (PAT), serve fewer days confined in prison, and serve a shorter period of community supervision. Under the act, persons earn PAT at different rates, depending on the seriousness of the person's crime, whether the person is considered a high risk for reoffending, and other factors. Criminals who are ineligible to earn PAT include most sex offenders; persons who commit crimes against elderly persons or on school grounds; persons who commit crimes involving governmental ethics, strangulation or suffocation, felony murder, or kidnapping; and persons who commit certain crimes against children.

2. Allows DOC to grant a prisoner early release to community supervision if the prisoner successfully participates in a rehabilitative program.

3. Allows DOC to release to community supervision a person who committed a nonviolent misdemeanor or lower-level felony if the release occurs not more than 12 months before the person would otherwise be released from prison and if the prison social worker or extended supervision agent has reason to believe that the person will not engage in assaultive behavior when he or she is released.

4. Allows DOC to release a prisoner with an extraordinary health condition under certain circumstances.

5. Allows a sentencing court to expunge a record of conviction if the conviction carried a penalty of six years of imprisonment or less, the person committed the crime when he or she was under the age of 25, the person committed no other felonies or violent crimes, and the person completed his or her sentence.

6. Allows a sentencing court to reduce a person's sentence if the person successfully participates in a rehabilitative program.

SEX OFFENDER REGULATION

Act 131 (AB-323) requires a registered sex offender to provide DOC with his or her electronic mail accounts, Internet user names, and the Internet address of any Web sites he or she maintains.

Act 137 (AB-411) provides that a court may order a person convicted of video voyeurism (making a visual depiction of another person nude without consent) to register as a sex offender if the offense was sexually motivated.

Act 257 (SB-325) requires a person who intends to chaperone a sex offender to notify any person with whom he or she has a child in common of the intention.

Courts and Civil Actions

Act 2 (SB-62) prohibits including on the Wisconsin Circuit Court Access Web site any civil action concerning the removal of a residential tenant if that removal resulted from a mortgage foreclosure of the residential rental property. See also *Real Estate*.

Act 17 (SB-37) requires a court to tell a person ordered to pay a judgment for an ordinance or traffic violation to disclose whether poverty prevents the person from paying the judgment. If the court determines that poverty prevents the person from paying the judgment, the court must allow the person to pay the judgment according to an installment plan that takes into account the person's income. The court may suspend the person's operating privilege only if the person fails to comply with the installment plan. See also *Transportation — Driving Privileges*.

Act 25 (AB-122) tolls the period for filing a petition for review or supplemental petition for review with the Wisconsin Supreme Court until after the court of appeals decides a motion for reconsideration of its decision or order. See also *Act 57*.

Act 26 (AB-123) specifies that all court of appeals cases involving commitments of sexually violent persons and persons not guilty by reason of mental disease or defect are subject to uniform appellate court procedures.

Act 27 (AB-124) allows a party, after a final judgment or order is entered in a juvenile delinquency case, to petition for review of an order that denied a motion to suppress evidence or a motion challenging the admis-

sibility of evidence regardless of whether the final judgment or order was entered pursuant to an admission or a plea of no contest.

Act 28 (AB-75) makes the following changes related to courts and civil actions:

1. Prohibits the plaintiff from naming a tenant as a defendant in a residential foreclosure action if the tenant does not own or have a lien on the property.

2. Requires the plaintiff in an eviction action commenced because the property is being foreclosed to identify the action as an eviction of the tenant due to a foreclosure action.

3. Raises the mileage reimbursement rate for court interpreters from 20 cents per mile to 48.5 cents per mile, which is the rate paid to state employees when they use their own vehicles for state business.

4. Creates a presumption that a billing statement or invoice that is part of a patient health care record is evidence of the reasonable value of the reasonable and necessary services provided.

5. Limits the liability of a corporation that assumed asbestos-related liability as the result of a merger or consolidation before January 1, 1972, to the fair market value at the time of the merger of the assets of the company that had the asbestos-related liability.

Act 57 (SB-369) provides that the changes to appellate time limits and procedure that were included in Act 25 first apply to actions commenced on November 1, 2009.

Act 68 (AB-136) grants immunity from civil liability to a property owner for injury to or death of an assessor who enters a construction site without the permission of the owner to make an assessment on behalf of a public agency.

Act 80 (SB-259) increases the amount of a debtor's exemption of certain assets from execution for judgment owed, including raising the homestead exemption amount from \$40,000 to \$75,000, the depository account exemption amount from \$1,000 to \$5,000, the motor vehicle exemption amount from \$1,200 to \$4,000, and the personal injury damage payment exemption amount from \$25,000 to \$50,000.

Act 120 (SB-182) increases the time during which a person must bring an action to recover damages for an intentional tort from two to three years.

Act 125 (SB-413) allows all cities, villages, and towns to apply to the circuit court for the appointment of a receiver to abate a public nuisance at a residential property. Formerly, only first and second class cities had this power.

Act 138 (AB-419) prohibits the admission of any evidence concerning the victim's sexual conduct in a civil action for damages resulting from sexual misconduct unless the evidence is of the specific, consensual sexual conduct between the victim and the alleged offender or the evidence is submitted to show that the sexual conduct was the actual cause of the victim's injury. See also *Crime and Criminal Procedure and Justice*.

Act 166 (SB-365) adopts the Uniform Unsworn Foreign Declarations Act, which gives a statement that is unsworn and unaffirmed the same effect in a legal proceeding as a sworn or affirmed statement if the person making the statement is outside the United States when he or she makes the statement and signs a declaration that the statement is true.

Act 262 (SB-464) makes the following changes to court procedures concerning temporary restraining orders and injunctions:

1. Requires the court to inform the petitioner to contact the sheriff for proof of service if the sheriff served the court documents.
2. Requires the petitioner to inform the court of the name, date, and type of any other court proceeding that involved a court order regarding contact between the petitioner and the respondent.
3. Allows a child to petition for a harassment restraining order and allows the court to appoint a guardian ad litem for the petitioning child.
4. Gives a petitioner in an action for a harassment restraining order the same protections and procedures that are available to petitioners seeking other restraining orders.

Act 278 (SB-127) changes the period during which a person must make a claim against an officer, employee, or agent of the state or a local public agency for medical malpractice from 180 days after discovery of the injury to the period established to bring the same type of action against a private person, which is generally three years from the date of the injury or one year from the date the injury is discovered, whichever is later.

Act 284 (SB-429) creates a presumption, for the purpose of certain death or disability benefits, that if a firefighter, emergency medical service provider, law enforcement officer, or correctional employee dies from or is disabled by certain infectious diseases, the firefighter, emergency medical service provider, law enforcement officer, or correctional employee contracted the infectious disease in the course of his or her employment.

Act 319 (AB-704) creates a new form and requirements for a power of attorney for finances and property. The changes include the following:

1. Replaces the term "disability" with "incapacity" and defines incapacity so it is consistent with the standard for determining incapacity for appointing a guardian of a person.

2. Makes the power of attorney effective when it is executed instead of after an injury or illness, unless the document provides otherwise.

3. Specifies the powers that the agent may be granted under the power of attorney and how the person executing the document may specify which powers to grant.

4. Sets out rules regarding reimbursement and compensation of agents, and the agent's duties.

5. Protects a person who in good faith accepts a power of attorney without actual knowledge that the power has been revoked, terminated, or invalidated.

6. Provides penalties for refusing an acknowledged power of attorney.

Act 325 (SB-541) requires that when property is sold to satisfy a judgment, notice of the sale must be posted in one public place in the town or municipality where the sale is to be held and, in the case of real estate, where the real estate is located, and on a Web site that is maintained by the county where the sale is to be held and on a Web site that is maintained by the county where the real estate is located, if the real estate is not within the town or municipality where the sale is to be held.

Act 341 (SB-670) determines how to treat a will or trust of a person who dies during 2010, when the federal estate and generation-skipping tax provisions are not in effect, if that will or trust disposes of property by reference to those provisions. The act treats the will or trust as if those provisions were still in effect, except that specific exclusions and the generation-skipping transfer tax exemption are considered unlimited if the decedent is survived by his or her spouse or any children of the decedent and the surviving spouse, and the surviving spouse is the current income beneficiary of the trust.

Act 348 (SB-587) makes various changes to the laws relating to obtaining and terminating a commercial real estate lien for a broker's commission, including the following:

1. Allows a broker to obtain a lien on the real estate by sending written notice to the person who owes the commission and recording a notice of interest and the lien at the office of the register of deeds.

2. Provides that a lien is extinguished if a new notice of interest is not recorded within two years of recording the original notice.

3. Allows a broker to rescind a notice of interest by recording a notice indicating that he or she no longer claims an interest in the property, and requires the bro-

ker to record such a notice if the agreement that created the interest is terminated or expires. See also *Real Estate*.

Act 380 (AB-707) makes numerous changes to the laws regulating self-service storage facilities, including the following:

1. Adds self-service storage units, which are containers that can be located at the tenant's home or business and moved to a storage facility, to those subject to the law.
2. Requires rental agreements to include in bold or underlined type any provision that limits the value of the stored property.
3. Allows the facility management, if the tenant fails to comply with the agreement, to recycle, place in a solid waste facility, or give to a nonprofit organization property of the tenant worth less than \$100.
4. Allows the facility management to sell property by offering it at a public sale attended by at least three bidders, by offering it to at least three persons who deal in that type of property, or by some other commercially reasonable manner if the tenant fails to comply with the agreement.
5. Permits only lessees to recover their costs, disbursements, and attorney fees in a civil action for an injury related to a violation of the laws regulating self-service storage facilities or units.

Act 400 (AB-333) prohibits a court from issuing a subpoena to compel an individual in the news business to disclose information about the news or about the source of news. The prohibition does not apply to a circuit court that finds that a crime has occurred or a civil action states a claim upon which relief may be granted; the news or the source of the news is highly relevant to the proceeding, is necessary for the claim or to prove an issue material to the prosecution, and is not obtainable from any alternative source; and there is an overriding public interest in the disclosure.

Act 402 (SB-383) makes numerous changes related to municipal court administration, procedures, and personnel, including the following:

1. Gives municipal court judges, or the court administrator in the city of Milwaukee, authority over the hiring, firing, and work responsibilities of court personnel.
2. Gives municipal judges statewide jurisdiction.
3. Requires municipal courts to have specified court hours and a separate telephone number and location from the municipal police department, and prohibits a municipal court clerk from wearing anything that indicates that he or she is a law enforcement agent.
4. Provides that the citation or complaint may be served by first class mail, may require a personal appear-

ance, and may be amended after the initial appearance at the discretion of the court.

5. Allows the municipal court to jail a defendant for up to 90 days if the defendant fails to pay a judgment he or she had the ability to pay, fails to perform community service, fails to attend a hearing to determine his or her indigency, or fails to complete a drug assessment.

Crime and Criminal Procedure

Act 13 (AB-27) expands the definition of sexual intercourse for the crime of incest from requiring vulvar penetration to including cunnilingus, fellatio, or anal intercourse or any other intrusion of any part of a person's body or of any object into a genital or anal opening.

Act 24 (SB-51) changes the laws relating to John Doe proceedings. Former law required a judge to convene a proceeding to evaluate an allegation that a crime had been committed. Under the act, a judge need not convene a proceeding unless the person making the allegation is a district attorney; instead, the judge must forward the allegation to the district attorney. The district attorney has 90 days to file charges or to forward all information to the appropriate judge along with an explanation of why he or she did not file charges. The judge may then convene a proceeding if the judge decides a proceeding is necessary to evaluate the allegation.

Act 28 (AB-75) makes the following changes:

1. Eliminates a program that provided law enforcement agencies funding for digital recording equipment to record custodial interrogations.
2. Allows the Office of Justice Assistance to charge state public safety agencies a fee to use a statewide public safety interoperable communication system.
3. Increases from \$8 to \$13 the crime laboratories and drug law enforcement surcharge courts impose for a violation of state law or a local ordinance.
4. Requires the State Public Defender (SPD) to establish maximum fees that the SPD may pay for copies of materials subject to discovery in cases in which the SPD provides legal representation.

Act 72 (SB-251) requires a person to reimburse a law enforcement agency for the costs of transporting him or her by ferry outside of the ferry's usual hours of operation if the person is found criminally or civilly liable for a violation of the law that led the law enforcement agency to request the ferry transport.

Act 105 (AB-376) provides that a person convicted of stealing from a cemetery an object that indicates that a deceased was a veteran must pay the cost of replacing the object as restitution.

Act 138 (AB-419) prohibits a court from ordering a witness or a victim to submit to a mental examination to assess his or her credibility if the case involves sexual assault or other criminal acts that are sexually motivated. See also *Courts and Civil Actions* and *Justice*.

Act 141 (AB-186) makes it a misdemeanor to manufacture, distribute, or deliver Salvinorin A with the intent that it be consumed. Salvinorin A is a hallucinogenic compound found in the plant *Salvia divinorum*.

Act 164 (SB-263) adopts the income eligibility criteria of the Wisconsin Works Program as the criteria for determining indigence for purposes of qualifying for representation by the SPD.

Act 184 (SB-467) allows an electronic signature in a criminal complaint.

Act 202 (AB-503) increases the penalty classification from a Class A misdemeanor to a Class I felony for the crime of exposing one's genitals or pubic area to a child or causing a child to expose his or her genitals or pubic area, except that the penalty classification does not change if the person who committed the crime is under the age of 17 or, if the person is either 17 or 18, he or she is not more than four years older than the child.

Act 203 (AB-514) extends the time for commencing prosecution of a felony against life or bodily security or against children, or a crime that is related to such a felony, if the state collects DNA evidence before the time expires and subsequently matches the evidence to an identifiable person.

Act 251 (AB-269) increases the penalty classification from a Class A misdemeanor to a Class H felony for the crime of resisting or obstructing a law enforcement officer if the person caused substantial bodily harm to any law enforcement officer while committing the crime.

Act 261 (SB-631) specifies that if a person is required to provide a DNA sample as a result of committing an offense and DOJ does not have the person's DNA sample, the person must provide one even if the person is no longer serving his or her sentence. The act establishes a process for a district attorney to compel a person required to provide a DNA sample to do so.

Act 308 (SB-341) increases the penalty classification from a Class G to a Class E felony for the crime of causing great bodily harm to a child.

Act 349 (SB-524) authorizes a court to issue a warrant or subpoena, upon probable cause, to require a computer processing or storage services provider to disclose the

contents of electronic communications and certain customer information.

Domestic Relations

Act 28 (AB-75) establishes that two persons of the same sex who are each at least 18 years old, living together, and not nearer of kin than second cousins may form a domestic partnership by applying for a declaration of domestic partnership to the county clerk of the county in which at least one of them has lived for at least 30 days. The act specifies how a domestic partnership may be terminated and the benefits that apply to domestic partners.

Act 187 (SB-332) requires a person conducting a custody study in an action affecting the family, such as a divorce, to prepare a report of the results, offer the report in accordance with the rules of evidence, and, at least 10 days before the report is introduced into evidence, submit the report to the court and both parties in the action.

Act 321 (SB-473) updates the Uniform Interstate Family Support Act, which sets out rules and priorities for the exercise of jurisdiction by courts in this state in actions related to child support, spousal support, and paternity when the parties reside, or orders have been issued, in different states and, when the United States ratifies The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, for enforcing support orders when the obligor and the child do not live in the same country.

Education

COLLECTIVE BARGAINING

Act 28 (AB-75) repeals the Qualified Economic Offer (QEO) so that school districts and teachers are generally subject to the same interest arbitration procedures as other municipal employers and employees and permits teachers and nonprofessional employees of a school district to combine into one collective bargaining unit. The act also exempts an arbitrator who is determining an arbitration award involving school district employees from the requirement to give greatest weight to laws limiting expenditures that may be made, or revenues that may be collected, by the municipal employer and the requirement to give greater weight to economic conditions in the jurisdiction of the municipal employer than to other specified factors.

Act 28 gives faculty and academic staff of the UW System the right to bargain collectively over wages, hours, and conditions of employment similar to the right given to state employees under the State Employment Labor Relations Act (SELRA).

Act 28 also grants UW System research assistants collective bargaining rights under SELRA.

Act 34 (AB-95) requires a school district to bargain collectively with school district employees over time spent during the school day to prepare lessons, labs, or educational materials; to confer or collaborate with other staff; and to complete administrative duties.

HIGHER EDUCATION

Act 2 (SB-62) directs the WTCS board to award annually at least \$1,000,000 in grants for advanced manufacturing skills training.

Act 28 (AB-75) makes the following changes relating to higher education:

1. Provides that a person who is not a U.S. citizen is exempt from the payment of nonresident tuition at the UW System and the WTCS if he or she graduated from high school in this state, was continuously present in this state for at least three years, and provides proof that he or she has applied for a permanent residence visa or will apply for one as soon as he or she is eligible to do so.

2. Requires veterans and eligible spouses and children of veterans to use federal educational assistance for the payment of tuition and fees at the UW System and the WTCS before using state educational assistance for those costs.

3. Increases the maximum Wisconsin Higher Education Grant that the Higher Educational Aids Board may award to an undergraduate enrolled at a public postsecondary institution or tribal college in Wisconsin from \$3,000 to \$3,150.

4. Authorizes the Board of Regents of the UW System to create a school of public health and a school of freshwater sciences at the UW-Milwaukee.

5. Authorizes the Board of Regents to award grants to certain undergraduate students who do not receive Wisconsin higher education grants.

6. Allows the Board of Regents to create or abolish positions that are funded through segregated fund appropriations.

7. Increases the number of students at the UW-Parkside and at the UW-Superior who can receive non-resident tuition exemptions under the Tuition Award Program.

8. Provides a portion of the income and interest in the normal school fund to the UW System to award financial aid and scholarships to students enrolled in environmental studies in the Sustainable Management Degree Program.

9. Permits the UW System or any UW institution or college campus to enter into a contract with a research company requiring payments of up to \$250,000 over 24 months under certain conditions. Former law required the payments to be less than \$75,000 over 24 months.

10. Directs the Board of Regents to plan a bachelor of science program in nursing at the UW-Stevens Point.

Act 59 (SB-371) directs DPI, WTCS, the UW System, and the Wisconsin Association of Independent Colleges and Universities to jointly establish a data system that links a student's data from preschool through postsecondary programs.

Act 190 (AB-770) provides additional funds, from critical access hospital assessment revenues, for the Health Care Provider Loan Program. Under the program, the Board of Regents repays a portion of the educational loans of certain health care providers who agree to practice for at least three years in certain areas of the state. The act also directs the Department of Family Medicine in the UW School of Medicine and Public Health to establish and support certain physician residency positions at hospitals located in rural areas or that include a rural rotation. See also *Health and Social Services — Medical Assistance*.

Act 265 (SB-409) requires the Board of Regents to award grants to the WiSys Technology Foundation, Inc., for intellectual property management services at certain schools, appropriates money to the Board of Regents to support a business plan competition program for student entrepreneurs at certain schools and to develop an emerging technology center at the UW-La Crosse, and increases the amount of grants the WTCS is required to award technical college district boards for advanced manufacturing skills training. See also *Business and Consumer Law — Economic Development and Investment and Taxation*.

Act 271 (SB-121) requires the Center on Education and Work at the UW-Madison to establish and evaluate a program for students enrolled in grades 7 to 12 to engage in webcam conversations about careers with individuals who have careers in this state in the fields of math, science, agricultural education, technology education, or information technology.

Act 300 (SB-431) prohibits all of the following:

1. Issuing or manufacturing a false academic credential.

2. Using a false academic credential or falsely claiming to have a legitimate academic credential in connection with any business, trade, profession, or occupation or to obtain an occupational license, public employment, or admission to an authorized institution of higher education.

3. Subject to certain exceptions, using the term “college” or “university” in the name of an institution of higher education unless the institution is accredited and awards an associate or higher degree or using the term “state” or “Wisconsin” in the name of a school not affiliated with the UW System or the WTCS to mislead the public that the school is so affiliated.

Act 306 (SB-407) provides that if a high school senior designated to receive an Academic Excellence Higher Education Scholarship does not qualify for the scholarship, a senior with the next highest grade point average, but not less than 3.80, may be designated as an alternate. Former law permitted only a senior with the same grade point average to be designated as an alternate. The act also provides that if a student who receives such a scholarship for an academic year does not enroll in a participating institution of higher education in Wisconsin in that year, the student remains eligible for the scholarship for the next academic year.

Act 401 (SB-279) requires the UW-Extension, in cooperation with other state agencies, to assess educational needs related to biofuel production. See also *Agriculture, Business and Consumer Law — Economic Development and Investment; Business and Consumer Law — Other Business and Consumer Law; State Government — Other State Government; and Taxation*.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 223 would have required that at least one of the 14 citizen members of the UW System Board of Regents reside in each of the seven geographical areas of the state delineated in the bill.

PRIMARY AND SECONDARY EDUCATION

Act 11 (AB-255) eliminates the requirement that DPI keep confidential all pupil records received from a school board.

Act 23 (SB-232) lapses \$261,278,000 in general school aid to the general fund in the 2008–09 fiscal year and directs DPI to use an equivalent amount of federal aid for school aid payments.

Act 28 (AB-75) makes the following changes to the laws governing primary and secondary education:

1. Makes the following changes to the Milwaukee Parental Choice Program (MPCP), under which a pupil who resides in the city of Milwaukee may attend a private school at state expense under certain conditions:

a. Requires nonaccredited private schools applying for the first time to participate in the MPCP to obtain preaccreditation from the Institute for the Transformation of Learning at Marquette University.

b. Requires MPCP schools to adopt pupil academic standards and written criteria for promoting pupils from grades 4 to 5 and 8 to 9 and for granting a high school diploma; to provide at least 1,050 hours of direct pupil instruction in grades 1 to 6 and at least 1,137 hours of direct pupil instruction in grades 7 to 12; and to administer to MPCP pupils all standardized tests required under the federal No Child Left Behind Act, DPI’s 3rd grade standardized reading test, and the standardized tests approved by the State Superintendent for grades 4, 8, and 10.

c. Requires teacher’s aides to have a high school diploma and requires all administrators and, with some exceptions, teachers to have a bachelor’s degree.

d. Requires MPCP schools to annually schedule at least two meetings between the school’s governing body and pupils, or their parents or guardians, attending or applying to the school.

e. Requires MPCP schools to provide to DPI, each applicant, and, upon request, to a current pupil, certain information, including the names of the school’s governing body members and any shareholders; whether the school is operated for profit; the school’s nonharassment, suspension, and expulsion policies; and the school’s policy governing visitors. In addition, the school must supply to DPI, and upon request to applicants and current pupils, certain information, including the school’s academic standards and information about the number of MPCP and non-MPCP pupils in the school who advanced from grades 4 to 5 and 8 to 9 and who obtained a high school diploma.

f. Requires an MPCP school to maintain its pupil records while a pupil attends, and for at least five years after the pupil leaves, the school. If a school closes, it must transfer its pupil records to Milwaukee Public Schools (MPS) or, with the pupil’s written permission, to an organization with which the school is affiliated.

g. Permits DPI to bar a private school from participating in the MPCP if the school employs teacher’s aides that do not have a high school diploma; fails to adopt pupil academic standards; fails to schedule at least two annual meetings between pupils and the school’s governing body; fails to exempt pupils from religious activities upon their request; fails to provide to DPI and to pupils attending or applying to the school the information required under the act; fails to maintain pupil

records; fails to establish a written policy governing visitors; or fails to issue high school diplomas.

h. Establishes a priority order for MPCP schools to accept new MPCP pupils when the number of pupils attending under the MPCP falls below the maximum and prohibits MPCP schools from rejecting pupils unless the school has reached its capacity.

i. Sets the maximum per pupil payment under the MPCP at \$6,442 in the 2009–10 and 2010–11 school years. Beginning in the 2011–12 school year, the amount is adjusted based on the percentage increase in total funding for general school aid.

j. Directs DPI to pay the city of Milwaukee, from the general school aid appropriation, an amount equal to 3.4 percent of the cost of the MPCP in 2009–10 and 6.6 percent of the cost of the MPCP in each fiscal year thereafter. The city must then pay that amount to the MPS. The result is a decrease in the amount that general school aid to MPS is reduced in order to fund the MPCP program.

k. Requires a private school that wishes to participate in the MPCP to pay an annual nonrefundable fee to DPI. DPI must set the fee at the amount needed to generate sufficient revenue to pay the costs of an auditor to evaluate the financial information submitted by the private schools participating in the MPCP.

2. Directs DPI to pay to the independent charter schools in the cities of Milwaukee and Racine an annual per pupil amount equal to the prior year's payment plus the per pupil adjustment allowed under revenue limits. Formerly, the payment was equal to the prior year's payment plus the increase in the per pupil amount paid to the private schools participating in the MPCP. The act also caps the proportional reduction in general school aid for all school districts related to the independent charter school program at the amount of the reduction in 2010–11.

3. Changes the percentage by which the equalization aid formula factors are increased for a consolidated school district from 10 percent to 15 percent.

4. Provides additional funds for high poverty aid to certain school districts, and modifies the calculation for such aid.

5. Sets the per pupil adjustment under revenue limits at \$200 in 2009–10 and 2010–11, \$275 in 2011–12, and the prior year amount modified by the percentage change in the consumer price index thereafter. The act also increases the low revenue ceiling to \$9,800 per pupil beginning in the 2011–12 school year.

6. Distributes funds received by school districts under ARRA as general equalization aid subject to revenue limits.

7. Provides a revenue limit adjustment for certain school safety expenses, for the salary and fringe benefit costs of school nurses, for a portion of the amount by which a school district's transportation costs exceed the statewide average, and for the costs of certain energy efficiency measures.

8. Specifies that for a consolidated school district, the state aid, property tax, and pupil enrollment data from previous years that are needed to calculate the district's revenue limit equals the sum of the figures for all of the school districts that were consolidated.

9. Directs DPI to award grants to school boards and cooperative educational service agencies, in conjunction with tribal education authorities, for revitalizing a tribal language.

10. Provides that, for purposes of contracting with a pupil's parent to transport the pupil to private school, if two or more pupils reside in the same household and attend the same school, the school board must pay only \$5 times the distance in miles transported for all of the pupils. Formerly, the school board was required to pay at least \$5 for each such pupil transported.

11. Requires the school board of MPS to ensure that at least 30 percent of the employees hired to work on a school district construction project funded in whole or in part with ARRA funds reside within the community development block grant area in the city of Milwaukee.

12. Permits a school board to enter into an agreement with a federally recognized American Indian tribe or band to establish a charter school.

13. Pays all aid to public library systems from the universal service fund instead of from both the general fund and the universal service fund. The latter fund consists of assessments on the annual gross operating revenues of intrastate telecommunications providers.

14. Provides for the awarding of grants to Project Lead the Way through the 2010–11 fiscal year. Formerly, the grants terminated after the 2008–09 fiscal year.

15. Eliminates the limitation of \$10,000 on the maximum amount that DPI may award nonprofit organizations to support adult literacy programs.

16. Uses a portion of the income and interest in the normal school fund to pay the salary and fringe benefit costs of an environmental education consultant in DPI.

17. Increases the per pupil amount available under sparsity aid to \$300 for all eligible school districts.

Act 41 (AB-119) generally requires a child to complete five-year-old kindergarten before entering first grade in a public or independent charter school. Each school board and independent charter school operator must develop procedures for exempting a child from the kindergarten requirement.

Act 44 (SB-200) prohibits any school from purchasing or using free-flowing elemental mercury or, with exemptions, compounds or instruments or measuring devices containing mercury and, beginning January 1, 2012, from storing free-flowing elemental mercury or, with exemptions, storing compounds or instruments or measuring devices containing mercury. See also *Environment*.

Act 58 (SB-370) transfers from DOA to DPI the authority to review applications from MPS for grants to improve pupil academic achievement.

Act 59 (SB-371) directs DPI, WTCS, the UW System, and the Wisconsin Association of Independent Colleges and Universities to jointly establish a data system that links a student's data from preschool through postsecondary programs.

Act 60 (SB-372) allows a school district to use the results of standardized, statewide examinations to evaluate teacher performance if the school board develops a teacher evaluation plan. The act requires a school district to bargain collectively over the development of and any changes to the teacher evaluation plan.

Act 61 (SB-373) requires a school board to consider the principles and standards for quality charter schools established by the National Association of Charter School Authorizers when the school board establishes a charter school.

Act 96 (SB-41) directs the State Superintendent of Public Instruction to establish an indoor environmental quality in schools task force. The task force must recommend to DPI a model management plan for maintaining indoor environmental quality in public and private schools. One year after the task force submits its recommendations, DPI must establish a model management plan, and each school board must develop and implement the plan.

Act 99 (AB-172) directs the State Superintendent of Public Instruction to incorporate the history of organized labor and the collective bargaining process into the model academic standards for social studies.

Act 114 (AB-236) requires a school board to award a pupil a science credit, for high school graduation purposes, for successfully completing each course in agriculture that DPI has determined qualifies as science.

Act 134 (AB-458) requires each school board that offers an instructional program in human growth and development in grades kindergarten to 12 to present medically accurate and age-appropriate information about certain specified subjects to pupils enrolled in the program. A school board may choose not to offer such a program, but must notify parents of that choice and the subjects that would have been taught had the

program been offered. The act also permits a health care provider participating in the Volunteer Health Care Provider Program with a school to provide instruction in human growth and development if the instruction complies with the act.

Act 160 (SB-414) makes various changes to the qualifications required of school nurses and numerous changes relating to the circumstances in which certain school employees and volunteers may administer drugs to pupils.

Act 208 (AB-247) authorizes a school board to award a high school diploma to a resident of the school district who left high school to join the armed forces during a war, served on active duty under honorable conditions, is at least 55 years old, and has a service-connected disability.

Act 215 (SB-437) requires a school board to implement certain reform initiatives if the school district has been in need of improvement for four consecutive school years or if a school located in such a school district was in the lowest performing 5 percent of all schools in the state in the previous school year. The act also allows the State Superintendent of Public Instruction to direct a school board to implement certain reform initiatives if the school district has been in need of improvement for four consecutive school years, or if a school is located in such a school district and the school either has been in need of improvement for five consecutive school years or was in the lowest performing 5 percent of all schools in the state in the previous school year. The act also prohibits a school board from granting tenure or permanent employment to a principal or assistant principal.

Act 250 (SB-25) permits a resident of a school district to object to the use of a race-based nickname, logo, mascot, or team name by that district by filing a complaint with the State Superintendent of Public Instruction.

Act 273 (AB-725) requires all school boards, charter schools, and private schools that operate high school grades to offer instruction in cardiopulmonary and cardiocerebral resuscitation and about automated external defibrillators to high school pupils beginning in the 2011–12 school year.

Act 301 (AB-808) authorizes DPI in the 2010–11 school year to enter into new, five-year student achievement guarantee (SAGE) contracts with eligible school districts that agree to reduce class size to 18 or fewer pupils in grades kindergarten to 3, or 30 or fewer pupils if two participating classes are combined, and to pay the school district \$2,250 per pupil enrolled in a participating class. The act permits a school district operating under an existing SAGE contract to satisfy the class size limitations of those contracts by reducing class size to 18 or fewer pupils, or 30 or fewer pupils if two participating classes are combined. The act prohibits DPI from waiving any

requirements of the SAGE program when entering into or renewing a SAGE contract.

Act 302 (SB-146) provides benefits and protections to tribal schools and tribal school pupils and staff similar to those provided to private schools and private school pupils and staff.

Act 303 (SB-250) requires a union high school district to give preference in accepting nonresident pupils under the Open Enrollment Program (OEP) to pupils who are attending an underlying elementary school district under the OEP.

Act 304 (SB-342) allows a school board to prohibit a non-resident pupil who is attending the school district under the OEP from attending in the succeeding semester or school year if the pupil is habitually truant, and to reject a pupil under the OEP if the pupil has been habitually truant in his or her resident school district.

Act 305 (SB-379) requires a school board to notify DPI when a school is closed by a local health officer, DHS, or a school district administrator, and when a closed school is reopened.

Act 307 (SB-598) provides two alternative timelines for the consolidation of two or more school districts.

Act 309 (SB-154) requires DPI to develop a model school policy on bullying by pupils, and requires each school board to adopt a policy prohibiting bullying by pupils. The act also requires each school district's school safety plan to include certain components and makes modifications relating to the confidentiality and disclosure of pupil records.

Act 329 (SB-681) adopts the Interstate Compact on Educational Opportunity for Military Children, which addresses school transition issues that children of military families often encounter, such as eligibility, enrollment, placement, and graduation.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bills 615 and 669, Senate Bills 405 and 462, and December 2009 Special Session Assembly Bill 2 would have modified the governance structure of MPS.

Elections

Act 89 (SB-40) creates a system of state funding to finance the campaigns of qualifying candidates for the office of justice of the Supreme Court. See also *Act 216*.

Act 216 (AB-913) advances the effective date of Act 89 and makes other changes to that act.

Act 313 (SB-417) increases the amount of exempt financial activity that an individual or group seeking to influence the results of a referendum may engage in without becoming subject to registration and reporting requirements.

Act 397 (SB-435) limits the required retention period for certain recording units and compartments used with an electronic voting system in nonfederal elections.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 895 and Senate Bill 640 would have made extensive changes to voter registration, absentee voting, prohibited practices, and other election laws.

Employment

COLLECTIVE BARGAINING*

Act 21 (SB-46) prohibits employers and employees covered by the Municipal Employment Relations Act (MERA) from ending any grievance arbitration agreement during a contract hiatus and prohibits employees covered by MERA from ending any fair-share agreement during a contract hiatus.

Act 51 (SB-309) ratifies the collective bargaining agreement for the 2007–09 fiscal biennium covering state employees in the assistant district attorneys collective bargaining unit.

Act 52 (SB-310) ratifies the collective bargaining agreement for the 2007–09 fiscal biennium covering state employees in the professional research, statistics, and analysis collective bargaining unit.

Act 53 (SB-311) ratifies the collective bargaining agreement for the 2007–09 fiscal biennium for state employees in the program, project, and teaching assistants collective bargaining unit at the UW-Madison and the UW-Extension.

Act 194 (SB-678) ratifies the collective bargaining agreement for the 2007–09 fiscal biennium covering state employees in the professional engineering collective bargaining unit.

Act 289 (SB-523) adds to the list of unfair labor practices for the UW System and employers who are subject to the State Employment Labor Relations Act the use of

revenue to discourage employees from exercising their rights to bargain collectively.

*See also *Education — Collective Bargaining* for acts that relate to collective bargaining in education.

OTHER EMPLOYMENT

Act 1 (AB-5) suspends the payment of extended unemployment insurance (UI) benefits and Wisconsin supplemental UI benefits to permit federally funded benefits to be paid instead unless the governor otherwise directs.

Act 3 (SB-4) regulates employers of traveling sales crews. The act:

1. Requires the employer to undergo a background investigation and register with DWD; establish proof of financial responsibility; disclose in writing the terms of employment when offering an individual employment as a traveling sales worker; pay its workers at least semi-monthly on regularly scheduled paydays; maintain and operate motor vehicles, and ensure that hazardous materials are stored, handled, and transported in compliance with all applicable safety standards; have in force motor vehicle and general liability insurance policies and provide worker's compensation coverage; notify the clerk of a municipality and local law enforcement when its workers will be engaging in sales activities in the municipality; and keep records of its workers and the municipalities in which they operate.

2. Prohibits the employer from employing minors; requiring its workers to engage in sales activities before or after certain hours; considering a worker to be an independent contractor; requiring a worker, subject to certain exceptions, to purchase any goods or services solely from the employer or to pay any of the employer's business expenses; abandoning a worker who is sick or injured or who has been discharged for reasons other than misconduct without providing for his or her return home; requiring a worker to relinquish custody of any personal property; prohibiting or restricting a worker from contacting family or friends; inflicting or threatening to inflict bodily harm or damage to property to discipline or motivate a worker; or advising its workers to falsely represent to consumers their motivations for selling goods or services.

Act 11 (AB-255) expands the eligibility for and maximum duration of UI benefits for certain claimants who voluntarily terminate their employment or who enroll in certain training programs and enables claimants to qualify for additional extended benefits and to enable federal cost sharing for those benefits.

Act 20 (SB-20) authorizes a circuit court to order an employer, other than a local government, employing 15 or more individuals that has engaged in employ-

ment discrimination to pay compensatory and punitive damages to the person discriminated against, subject to certain limitations on the amount of compensatory damages for noneconomic losses and punitive damages that may be awarded based on the number of employees. Former law authorized awarding only back pay, front pay, costs, and attorney fees.

Act 28 (AB-75) makes the following changes relating to employment:

1. Applies the prevailing wage law, which requires an employee performing certain work on a public works project to be paid the prevailing wage for the employee's trade or occupation, to publicly funded private construction projects that receive at least \$1,000,000 in direct financial assistance from a local government; applies that law to certain public infrastructure projects, such as roads and sewers, acquired by or dedicated to a local government; and lowers the threshold for applicability of that law to a public works project from an estimated cost of project completion of \$234,000 for a multiple-trade project and \$48,000 for a single-trade project to an estimated cost of project completion of \$25,000, regardless of whether the project involves single trade or multiple trades.

2. Imposes a forfeiture of \$25,000 on an employer engaging in construction work who misclassifies an employee as a nonemployee to evade the law relating to income tax withholding, worker's compensation, unemployment insurance, or employment discrimination. See also *Acts 288 and 292*.

3. Provides that if DWD grants an exception or modification to a requirement relating to the employment and training of apprentices in a contract that is subject to the prevailing wage law, DWD must post on its Internet site that information and a detailed explanation of why it granted the exception or modification.

4. Requires DWD to award grants to a statewide nursing center to develop strategies to ensure that the state's nursing workforce is adequate to meet current and future health care needs. See also *Occupational Regulation*, item 1.

5. Raises the fee for issuing a work permit to a minor from \$5 to \$10 and allocates the additional revenue to fund the cost of DWD's information technology system and other operational costs of the Equal Rights Division in DWD.

6. Provides that domestic partners of WRS participants have the same benefits as spouses for retirement, health, and other benefit programs DETF administers. A domestic partnership is a relationship between two individuals who are at least 18 years old and competent to enter into a contract, are not married to or in a domestic partnership with any other individuals, are not related by blood in any way that would prohibit

marriage under state law, consider themselves to be members of each other's immediate family, agree to be responsible for each other's basic living expenses, and share a common residence.

7. Provides that, for WRS purposes, a state employee's compensation includes compensation that would have been payable during any mandatory furlough from July 1, 2009, to June 30, 2011, for service that would have been rendered if the furlough had not been in effect.

8. Reduces the minimum number of hours of employment required in an annual period, from 600 to 440, for an educational support personnel employee to receive creditable service under the WRS.

9. Authorizes the director of OSER and the administrator of the Division of Merit Recruitment and Selection in OSER to provide services and materials to state agencies and to charge agencies for the services and materials.

10. Requires the secretary of administration to eliminate up to 13 full-time attorney positions in state agencies on June 30, 2011. Previously, the date was June 30, 2009.

11. Authorizes the secretary of administration to develop a proposal to consolidate the human resources functions of most executive branch agencies in OSER and requires the secretary to submit to JCF the proposal for approval or modification.

12. Increases until June 30, 2011, the monthly low-income assistance fee that electric utilities must charge their customers and uses the increase to support funding for salaries and fringe benefits of district attorney offices.

Act 56 (AB-132) requires an employer employing 11 or more individuals to grant an unpaid leave of absence of not more than five consecutive workdays and not more than 15 workdays in a year to allow an employee who is a member of the Civil Air Patrol to participate in an emergency service operation of the Civil Air Patrol if the leave of absence does not unduly disrupt the operations of the employer. The act also prohibits discrimination in employment based on Civil Air Patrol membership.

Act 87 (AB-266) requires an employer employing 50 or more individuals that decides to close a business or engage in a mass layoff to provide employees who may be affected by the closing or layoff contact information for the Local Workforce Development Board (WDB) serving the area and, if available, a list prepared by the WDB of local resources that provide career planning, job search, job skills training, and other support services.

Act 92 (SB-349) permits a minor who is at least 12 years of age to be employed by a nonprofit organization to shovel snow, mow lawns, rake leaves, or do other similar

tasks at the home of an elderly person or person with a disability. Former law permitted such a minor to be so employed only by the homeowner.

Act 140 (SB-308) requires an employer to permit an employee who is a volunteer fire fighter, emergency medical technician, first responder, or ambulance driver to be absent from work, without pay, because he or she is responding to an emergency.

Act 206 (SB-522) makes the following changes to the worker's compensation law:

1. Specifies that, to be subject to the worker's compensation law, an employer must usually have three or more employees for services performed in this state. Former law did not specify that those employees had to be employed in this state.

2. Specifies that the employer of a volunteer firefighter or other emergency responder is liable for worker's compensation for an injury sustained while he or she is responding to a call for assistance from the time of the call to the time of the responder's return, but excluding any deviation for private or personal purposes.

3. Provides that an employer is not liable for certain costs relating to hearing loss unless worker's compensation for occupational deafness is payable, that an employer is not liable for temporary disability benefits while an injured employee is incarcerated, and that temporary disability benefits may not be offset against social security benefits when an injured employee is receiving vocational rehabilitation services.

4. Increases the amount of permanent partial disability benefits, burial expenses, and certain supplemental benefits payable under the worker's compensation law.

Act 212 (AB-560) eliminates obsolete language relating to duties of the Equal Rights Division in DWD.

Act 287 (AB-884) changes provisions that permit a claimant to receive UI benefits while enrolled in certain training programs, changes the test for determining "employee" status for most employees (which affects UI benefit eligibility), eliminates coverage for certain personal care or companionship services performed for a family member, allows certain employers who suffer catastrophic losses to prepay their contributions (taxes) in order to lower their liability in future years, and makes other changes to the UI law.

Act 288 (AB-929) imposes a forfeiture of \$25,000 on an employer engaged in painting or drywall finishing who misclassifies an employee as a nonemployee to evade the law relating to income tax withholding, worker's compensation, unemployment insurance, or employment discrimination. See also *Act 28*, item 2; and *Act 292*.

Act 290 (SB-585) prohibits, subject to certain exceptions, employment discrimination based on declining to attend a meeting or to participate in any communication about religious or political matters, including whether to join or support a labor organization.

Act 291 (SB-586) makes various changes relating to apprenticeship contracts and the membership of the Wisconsin Apprenticeship Council.

Act 292 (SB-672) permits DWD to require an employer engaged in construction to prove that the employer is maintaining employment records and worker's compensation coverage for its employees, is complying with the unemployment insurance laws, and has provided DWD the information required for the State Directory of New Hires. If the employer is not complying with those requirements, DWD may issue a stop work order and, if the employer violates that order, require the employer to pay a forfeiture. See also *Act 28*, item 2; and *Act 288*.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Senate Bill 1 and *Assembly Bill 41* would have increased the state minimum wage and permitted local governments to enact local living wage ordinances.

Senate Bill 2 and *Assembly Bill 40* would have eliminated the \$3,000 cap on the amount of unpaid wages covered under a wage claim lien that takes precedence over a lien of a commercial lending institution, granted a wage claim lien precedence over the rights of a purchaser of any property of the employer, and permitted a collective bargaining representative to file a wage claim lien on behalf of an employee.

Environment

Act 9 (AB-3) prohibits the use of fertilizer containing phosphorus on lawns, golf courses, and parkland, except to establish a new lawn or where the soil is deficient in phosphorus. The act prohibits retailers from displaying lawn fertilizer containing phosphorus, although retailers may provide it upon request for uses permitted by the act.

Act 11 (AB-255) authorizes the use of funds received under ARRA for grants and low interest loans to local governments for sewage treatment and other water quality projects through the Clean Water Fund Program and for the construction or modification of public water systems through the Safe Drinking Water Loan Program.

Act 28 (AB-75) delays the date when permits begin to be required for water withdrawals from the Great Lakes

Basin under the Great Lakes Water Resources Compact from December 8, 2008, to December 8, 2011, and imposes fees on persons making large water withdrawals in this state to fund the administration of the compact and other activities related to water withdrawals. The act authorizes DNR to issue a permit that covers ships discharging ballast water and sets fees for the coverage under the permit. The act also raises fees, called tipping fees, imposed on the disposal of solid waste in landfills, increasing revenues for the recycling fund and the environmental fund.

Act 30 (SB-126) eliminates the sunset of the Green Tier Program, under which qualified participants agree to improve their environmental performance and to implement environmental management systems in return for incentives DNR provides. The act also eliminates the sunset of the Environmental Compliance Audit Program, which limits the penalty for a violation of an environmental law in a civil case to \$500 if the violator discovers the violation through an environmental audit, reports the violation to DNR, and corrects the violation within a specified time.

Act 44 (SB-200) generally prohibits the sale or distribution of certain switches, instruments, and measuring devices to which mercury has been added in manufacturing. The act exempts certain components in larger devices already in use or used in the generation or distribution of electricity, gas, or water, and authorizes DNR to grant additional exemptions upon the submission of a petition by a product's user or manufacturer. See also *Education — Primary and Secondary Education*.

Act 50 (SB-107) requires manufacturers of computers, printers, and video display devices, such as televisions and computer monitors, that are marketed for use by households and schools to recycle certain electronic devices used by households and schools (consumer electronic waste). Consumer electronic waste includes computer peripherals, video cassette recorders, and digital video disc players, as well as computers, printers, and video display devices. The act sets an annual target weight for each manufacturer's recycling efforts based on the weight of the manufacturer's computers, printers, and video display devices sold in Wisconsin. If a manufacturer falls short of its target, it must pay a fee based on the size of the shortfall unless the manufacturer demonstrates to DNR that it made a good faith effort to reach the target. The act also prohibits incineration or disposal in landfills of certain kinds of electronic devices, including computers, printers, video display devices, computer peripherals, video cassette recorders, digital video disc players, and telephones with video displays.

Act 63 (AB-281) prohibits the sale of household dishwasher detergent that contains more than 0.5 percent phosphorus by weight.

Act 86 (AB-258) prohibits the disposal in landfills of used automotive oil filters and materials used to absorb waste oils.

Act 217 (AB-733) changes the annual application deadline from April 30 to June 30 for local governments to apply for financial assistance for the construction or modification of public water systems under the Safe Drinking Water Loan Program.

Act 368 (AB-139) imposes a forfeiture of up to \$1,000 for disposing of demolition waste or an appliance, tire, or other large item along a highway or on public or private property without permission.

Act 384 (SB-664) authorizes the use of funds the state received under a federal fiscal year 2010 appropriations act to provide local governments low interest loans for sewage treatment and other water quality projects through the Clean Water Fund Program and for the construction or modification of public water systems through the Safe Drinking Water Loan Program.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 138 would have authorized the Natural Resources Board, rather than the governor, to appoint the secretary of natural resources.

Financial Institutions

Act 2 (SB-62) implements the federal S.A.F.E. Act of 2008 by adopting federally established standards for mortgage loan originators. The act requires DFI to participate in a nationwide registry for licensing mortgage loan originators. An applicant for a mortgage loan originator license must undergo a background check that includes a credit and criminal history check. If the background check reveals certain offenses, the applicant cannot receive a mortgage loan originator license. The act creates a number of new violations, and modifies certain preexisting violations, relating to prohibited acts and practices of mortgage bankers, mortgage brokers, and mortgage loan originators (licensees), including prohibiting licensees from conducting business at an unlicensed office; prohibiting licensees from earning a fee through “best efforts” to obtain a residential mortgage loan even if no loan is actually obtained; prohibiting the solicitation or advertisement of interest rates or other financing terms unless the rates or terms are actually available; prohibiting attempts to influence a person’s independent judgment, including an appraiser’s, in connection with a residential mortgage loan; and prohibiting the practice of requiring borrowers

to obtain excessive property insurance coverage. The act increases the penalty for violations, increases the recoverable damages in civil actions from a maximum of \$2,000 to a maximum of \$25,000, increases the number of violations for which these penalties apply, and allows DFI to order restitution in administrative proceedings. See also *Acts 188* and *386*.

Act 28 (AB-75) increases from \$750 to \$1,500 the securities registration and notice filing fee paid to DFI and, for investment companies such as mutual funds, increases the annual sales fee from a minimum of \$150 and a maximum of \$1,500 to a minimum of \$750 and a maximum of \$15,000. The act also increases, from \$30 to \$80, the license fee paid to DFI for securities agents and investment adviser representatives and the broker-dealer and investment adviser branch office filing fee.

Act 188 (AB-471) specifies that DFI-licensed mortgage brokers have an agency relationship with their residential mortgage loan clients and owe them certain duties, including a duty to act in good faith and in the client’s best interest, refrain from charging or accepting undisclosed compensation, carry out the lawful instructions of the client, disclose material facts to the client, present loan options in an objective manner, use reasonable care, and account for all money and property received as the client’s agent. These duties may not be waived and each mortgage broker must disclose to its client the parties’ agency relationship and the mortgage broker’s duties. See also *Act 2*.

Act 196 (AB-529) creates a penalty enhancer for violations of the state’s securities laws committed against persons who are age 65 or older. The act also allows DFI, in an administrative enforcement proceeding for securities law violations, to order the violator to pay restitution, disgorge profits, and pay interest.

Act 345 (SB-604) limits the institutional investor securities transaction exemption for certain school district employee benefit plans under the Wisconsin Uniform Securities Law.

Act 386 (AB-658) removes a person’s recent foreclosure as an automatically disqualifying criterion for issuance or renewal of a mortgage loan originator’s license, but authorizes DFI to find that an applicant who has a recent foreclosure is not financially responsible. See also *Act 2*.

Act 404 (SB-286) specifies that health care billing companies are not “collection agencies” subject to licensing and regulation by DFI.

Act 405 (SB-530) prohibits a lender that is not a financial institution from making a payday loan to a Wisconsin resident unless licensed by DFI, and regulates payday loans by limiting loan amounts, prohibiting post-maturity interest, and requiring disclosures about rolling over, rescinding, and repaying payday loans. The

act defines “payday loan,” in part, as a loan in which a lender holds a borrower’s checks or electronic fund transfer authorizations for a period before cashing the checks or initiating the authorizations. The act applies regardless of whether a payday lender is physically located in this state. In addition, the act requires DFI to establish a payday loan database for licensed payday lenders to comply with the act. The act also prohibits certain loans that are secured by motor vehicles, other than loans for purchasing motor vehicles, and that are made by lenders who are not financial institutions. See also *Local Law*.

Gambling

Act 315 (SB-618) requires an organization conducting a Class A raffle to transfer the purchaser’s portion of the raffle ticket to the purchaser before the raffle.

Act 316 (SB-193) provides that an organization whose activities are limited to a specific geographical area that is only partly within this state qualifies as a local organization for purposes of obtaining a raffle license.

Act 317 (SB-622) provides that a Class B raffle in which more than one prize is awarded on the same date and at the same location, and in which the ticket purchaser may place his or her ticket in a drawing for a particular prize, counts as one raffle for purposes of the annual limit on the number of raffles.

Act 328 (AB-650) provides that a minor may play bingo if an adult relative or guardian of the minor is on the premises where the bingo game is played.

Act 354 (SB-552) specifies that it is not gambling to participate in an employee rewards program in which an employee is given an opportunity to win a prize in return for referring potential customers to his or her employer without compensation.

Health and Social Services

HEALTH

Act 12 (SB-181) makes numerous changes to the law restricting smoking, effective July 5, 2010. The act:

1. Expands the indoor smoking ban to include all enclosed places or places of employment, including all restaurants, taverns, hotels and other lodging establishments, private clubs, and correctional facilities.

2. Eliminates the authority to designate smoking areas at any indoor location.

3. Prohibits smoking in sports arenas, bus shelters, and public conveyances, which include taxis.

4. Exempts from the ban smoking in private residences, in certain residence rooms in assisted living facilities, and in certain tobacco bars and retail tobacco stores that existed on June 3, 2009.

5. Provides that if a city, village, town, or county enacts an ordinance prohibiting outdoor smoking, the ordinance applies only to public property under the jurisdiction of the city, village, town, or county and must provide that a person in charge of a restaurant, tavern, private club, or retail establishment may designate an outdoor smoking area on the public property, such as a sidewalk, that is within a reasonable distance of the entrance to the club or business.

Act 28 (AB-75) makes the following changes to the health laws:

1. Allows DHS to disclose to certain researchers cancer report information.

2. Eliminates the Female Offender Reintegration Grant Program.

3. Allows long-term care ombudsmen to advocate for residential care apartment complex residents.

4. Allows the organization that provides advocacy services to Family Care participants to provide advocacy services to participants in the self-directed services option.

5. Specifies that the moneys transferred from DWD to DHS to award grants for independent living centers must come from Social Security reimbursement funds.

Act 42 (AB-316) indemnifies various health care practitioners and related professionals credentialed in another state who volunteer in this state at a health care facility or mass clinic or, at the request of DHS, during a state of emergency. The act adds the following to the list of practitioners for whom indemnity is provided: funeral directors, emergency medical services providers, and clinical laboratory technicians, credentialed in this state or another. The act also requires DHS to maintain a registry of volunteer health care practitioners that may be used to verify a practitioner’s credentials. See also *Veterans and Military Affairs*.

Act 93 (SB-80) makes several changes to the Volunteer Health Care Provider Program, under which the state indemnifies certain health care providers who provide health care services for a nonprofit agency or elementary school free of charge or, in the case of some dental services, for a discounted fee. The act adds chiropractors, podiatrists, and physical therapists to the categories of

providers who may participate in the program. The act also provides that the state must indemnify participating providers even if an insurance policy would otherwise cover legal costs and damages of the provider.

Act 146 (AB-614) requires hospitals to disclose certain charge information for 75 common inpatient services and 75 common outpatient services, and requires other health care providers to disclose the charge information for 25 presenting conditions. The required charge information is the provider's median billed charge, the Medicare payment amount, and the average allowable private, third-party payment amount. The act also requires a health care provider, other than a hospital, upon the request of a consumer, to disclose its median billed charge for any health care service, test, or procedure. Finally, the act requires health care providers that participate in initiatives to report health care utilization and quality data to the public to disclose quality data along with the charge information. See also *Insurance*.

Act 148 (AB-57) permits a mother to breast-feed her child in any public or private location where she and her child are authorized to be. The act prohibits directing a mother to move to a different location or to cover her child or breast or otherwise restricting a mother from breast-feeding as permitted under the act.

Act 249 (SB-494) allows a private, nonprofit corporation that is an aging unit to apply to operate an aging and disability resource center, which provides information and enrollment assistance for long-term care programs.

Act 274 (AB-779) allows the state to designate a nonprofit corporation to receive grants from the federal government to support health information exchange if the corporation has satisfied certain conditions. The secretary of Health Services may organize and assist in maintaining a nonprofit corporation to fulfill health information exchange purposes.

Act 281 (SB-609) requires a physician, an advanced practice nurse prescriber, or a physician assistant who prescribes an antipsychotic, an antidepressant, lithium carbonate, or a tranquilizer (psychotropic medication) to a nursing home resident who has degenerative brain disorder to notify the nursing home if the psychotropic medication has a certain type of warning. With certain exceptions, the nursing home must obtain written informed consent from the resident or the resident's representative before administering to the resident a psychotropic medication with such a warning.

MEDICAL ASSISTANCE

Act 2 (SB-62) increases the assessment on hospitals from \$1.5 million annually to \$275 million. The act exempts critical access hospitals, psychiatric hospitals, and institutions for mental diseases from the assessment. The act

specifies a portion of hospital assessment revenue that must be expended on increased hospital reimbursement rates under the Medical Assistance (MA) program and provides for supplemental payments for certain types of hospitals. The remainder of the hospital assessment revenue is allocated for general MA expenditures.

Act 2 also provides that DHS must issue a single hospital license for all inpatient and outpatient facilities of the UW Hospitals and Clinics Authority (UWHCA) that qualify as a hospital. The act allows UWHCA to specify on the license which of those facilities shall be treated as a hospital for purposes of MA reimbursement. See also *Act 28*, item 6; and *Act 190*.

Act 28 (AB-75) makes the following changes related to MA:

1. Requires DHS to establish a pilot program to increase MA payments to physician practices that are recognized as "patient-centered medical homes" or that satisfy certain quality criteria.

2. Requires DHS to request a federal waiver to provide community-based services under MA to children enrolled in the Birth to 3 Program, and provides that, if the waiver is granted, counties will pay the state share of the cost for the services.

3. Authorizes MA reimbursement for services that special educators provide to children enrolled in the Birth to 3 Program.

4. Provides that if the state receives federal MA matching funds for otherwise unreimbursed county costs of providing physical and occupational therapy or speech, hearing, and language disorder services to MA recipients enrolled in the Birth to 3 program, the state may disburse the federal matching funds to the county.

5. Provides that a licensed psychologist or mental health professional may, without supervision, provide psychotherapy or alcohol and drug abuse services under MA.

6. Provides that DHS must issue a single hospital license for all inpatient and outpatient facilities of a free-standing pediatric teaching hospital that qualify as a hospital. The teaching hospital may specify which of those facilities shall be treated as a hospital for purposes of MA reimbursement, except that physician clinic services will still be reimbursed using reimbursement rates for physician clinics. See also *Act 2*.

7. Allocates to the state temporary increases in federal MA matching funds received for services for which the provider, generally a county, pays the state share of the cost.

8. Increases the amount of federal MA reimbursement earned for public nursing home operating deficits

that DHS may distribute to a nursing home operated by a county, city, village, or town.

9. Increases the assessment on nursing home beds and exempts Wisconsin Veterans Homes from paying the assessment in fiscal years 2009–11.

10. Authorizes DOR to impose an assessment on ambulatory surgical centers and deposits revenues from the assessment in the MA trust fund.

11. Allows DHS to request a waiver of federal MA law in order to provide family planning services to males aged 15 to 44 whose family income does not exceed 200 percent of the federal poverty level.

12. Specifies the criteria an independent living center must meet to be reimbursed for case management services through the MA program.

13. Requires that all individuals meet the level of care requirements to receive benefits through the Family Care Program, lengthens the period by which DHS must assure the Family Care benefit to all those persons entitled to the benefit in a county, and requires that, for individuals receiving the Family Care benefit, the care management organization pay for services provided to developmentally disabled individuals, including mental health services, covered by Family Care.

14. Eliminates the requirement that the county authorize transportation for medical services by common carrier.

15. Allows DHS to charge a certification fee to personal care service providers in order for those providers to be reimbursed through the MA program.

16. Requires that individuals who receive benefits through MA waiver programs and other specified programs, and who hire home care workers other than through an agency, must comply with any collective bargaining agreements covering those workers. The act creates the Wisconsin Quality Home Care Authority to administer a qualified home care workers registry.

17. For purposes of determining an individual's eligibility for MA, excludes from the individual's assets any amount in an independence account and any retirement assets that accrued from the individual's employment while he or she was eligible for any MA program.

18. Authorizes DCF to provide incentive payments to county child support agencies for identifying children who are receiving MA and who have, or have access to, health insurance coverage.

Act 190 (AB-770) applies the assessment on hospitals to critical access hospitals. The act specifies the portion of revenue from the assessment on critical access hospitals that must be expended to increase MA reimbursement to critical access hospitals, and allocates the remaining revenue for other MA expenditures and for health care

provider loans and rural physician residency assistance. See also *Act 2* and *Education – Higher Education*.

Act 221 (SB-647) requires DHS to develop a proposal to increase MA reimbursement and pay a care coordination fee to an MA service provider that receives a grant to provide services to individuals with human immunodeficiency virus.

Act 277 (SB-96) eliminates the limit on the maximum number of individuals who may be diverted from imminent entry into a nursing home under the Community Integration Program known as CIP II. CIP II allows DHS to pay an enhanced rate for MA services for persons who either are relocated from a nursing home or are diverted from imminent entry into a nursing home.

Act 283 (SB-684) establishes guidelines for counties and other political subdivisions to jointly operate a nursing home or intermediate care facility without violating MA prohibitions against charging or accepting an additional amount for a service that is covered by MA.

MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES

Act 28 (AB-75) provides that DHS may not transfer a resident of the Southern Center for the Developmentally Disabled to a less restrictive setting and may not petition the court to transfer such a resident to a less restrictive setting, without explicit written approval and consent from the resident's guardian or, in some cases, parent.

Act 214 (SB-492) eliminates the provision that authorized DHS to require treatment of a defendant as a condition of bail or bond if criminal proceedings are suspended due to the defendant being found incompetent. This provision is eliminated because bail or bond is not an option once proceedings have been suspended.

Act 247 (SB 491) requires an aging and disability resource center, which provides information and enrollment assistance for the Family Care program, to also provide information and enrollment assistance for the self-directed services option, known as IRIS.

Act 248 (SB-493) provides that when an examiner selected by DHS examines a person committed to DHS as a sexually violent person and the examiner recommends supervised release or discharge, the person may still have the court appoint an additional examiner.

Act 258 (SB-44) requires a court conducting certain proceedings regarding a person's mental health to determine if federal law would prohibit the person from possessing a firearm. If federal law would prohibit the person from possessing a firearm, the court must convey that status to DOJ to use during background checks for prospective handgun purchasers. See also *Justice*.

Act 260 (SB-478) provides that a prison inmate who is involuntarily committed to a mental health facility may be initially committed for no more than six months and limits any consecutive commitment order to 12 months.

Act 318 (SB-630) allows DHS to expend certain Indian gaming receipts, until June 30, 2011, for an unexpected or unusually high-cost mental-health placement of a member of an Indian tribe if the tribal court ordered the placement.

PUBLIC ASSISTANCE

Act 15 (SB-161) requires DHS to establish an enrollment services unit to determine a person's eligibility for, and to administer, a number of public assistance programs in Milwaukee County, including Medical Assistance, BadgerCare Plus, the Food Stamp Program, and the State Supplemental Payment Program. In addition, the unit may contract with DCF to determine a person's eligibility for the Wisconsin Works (W-2) child care subsidy program (Wisconsin Shares) in Milwaukee County. Formerly, Milwaukee County performed these eligibility determination and administrative functions. The act provides that supervisory personnel in the unit are state employees, provides that nonsupervisory staff are a combination of state and county employees, and sets out specific employment-related functions for DHS and employment-related rights and benefits for unit employees who are state employees. The act also provides specific funding, administrative, and cooperation requirements for Milwaukee County during the transition period. See also *Act 28*, item 7.

Act 28 (AB-75) makes a number of changes to the W-2 program, including the following:

1. Establishes a monthly grant for unmarried, pregnant women. Under former law, only a custodial parent of a child under 12 weeks old could receive a monthly grant.

2. Establishes a subsidized private sector employment program, under which individuals are paid the higher of the state or federal minimum wage for every hour actually worked.

3. Establishes a demonstration project that provides transitional jobs for low-income adults who are unemployed and ineligible for unemployment insurance benefits.

4. Eliminates requirements for a specified number of hours of work and a specified number of hours of education or training and substitutes an overall maximum number of hours for all required activities.

5. Eliminates limits on how long an individual may participate in any employment position, while retain-

ing the overall limit on how long an individual may participate in W-2.

6. Changes the penalty for nonparticipation. Under former law, an individual was ineligible for an employment position if he or she refused three times to participate in the employment position. Under the act, an individual is ineligible for W-2 for three months if he or she refuses to participate in an employment position without good cause.

7. Authorizes DCF to establish a child care provider services unit, with state and county employees, to administer, and to contract with the Milwaukee County enrollment services unit to determine eligibility for, Wisconsin Shares in Milwaukee County. See also *Act 15*.

8. For purposes of determining eligibility for Wisconsin Shares, includes in an individual's income child support the individual receives if the support exceeds \$1,250 per month.

9. Places restrictions on the number of hours of authorized child care for which a subsidy is provided under Wisconsin Shares.

10. Prohibits a child care subsidy under Wisconsin Shares from being paid for a child if the child care provider employs the child's parent or a person who lives with the child, unless at least 60 percent of the children cared for by the child care provider are not the children of an employee and do not live with an employee of the provider.

11. Authorizes DCF to refuse to pay a child care provider if DCF reasonably suspects that the provider has violated any provision under Wisconsin Shares. See also *Act 76*.

12. Requires child care providers receiving subsidies under Wisconsin Shares to keep attendance records for each child.

13. Requires DCF to promulgate rules permitting DCF to take a number of actions against a child care provider under Wisconsin Shares if the provider submits false or misleading information or fails to comply with the terms of the program.

Act 28 also makes the following changes relating to other types of public assistance:

1. Transfers from DCF to DHS the administration of the Emergency Food Assistance Program and the Special Supplemental Nutrition Program for Women, Infants, and Children, as well as responsibility to develop a hunger prevention plan.

2. Authorizes benefits administered by DHS to be delivered by means of an electronic benefit transfer system.

3. Except for persons residing on a federally recognized American Indian reservation, eliminates the general relief program, which provided assistance, including health care services, to eligible persons.

4. Provides funding to the Emergency Shelter of the Fox Valley for services for homeless individuals and families.

Act 45 (SB-257) requires that DCF publish in the Wisconsin Administrative Register the maximum amounts of aid to be granted to needy persons in cases of fire, flood, natural disaster, homelessness, or energy crisis only if DCF does not establish the maximum amounts by administrative rule, and eliminates the requirement that DCF establish the maximum amount of aid per family member based on available funding.

Act 76 (SB-331) makes the following changes relating to public assistance and Wisconsin Shares:

1. Requires an employee of DCF, a county, or a tribe who reasonably suspects public assistance fraud to report that suspicion immediately to the employee's immediate supervisor and the immediate supervisor to report that suspicion immediately to the DCF fraud investigation unit and, in certain populous counties, the sheriff, and provides immunity from liability and protection against disciplinary action for a person who makes such a report in good faith.

2. Requires DCF or a county to refuse to pay a child provider under Wisconsin Shares if the child care provider or a caregiver or nonclient resident of the provider has been convicted or adjudged delinquent on or after his or her 12th birthday for committing a serious crime and to suspend those payments immediately if any of those individuals is the subject of a pending criminal charge or delinquency petition alleging that the individual committed such a serious crime until DCF or the county obtains information that the provider is eligible to receive those payments.

3. Provides that if a recipient of a child care subsidy under Wisconsin Shares violates any law or rule relating to that subsidy, the individual is ineligible for the subsidy for up to five years from the date of the judgment or decision. See also *Act 28*, item 11, and *Children*.

Act 77 (SB-280) provides that a child care provider who provides child care services under Wisconsin Shares may be found personally liable for penalties assessed against a child care business for providing false or misleading information to DCF or failing to comply with the terms of the program if the business is unable to pay those penalties; the provider holds at least a 20 percent ownership interest or has control of or responsibility for operating the business; and the provider is a corporation, or an officer, director, or employee of the

corporation, or a limited liability company, or a member, manager, or employee of the company.

Act 333 (AB-898) expands both the Trial Jobs Program under W-2 and a transitional jobs demonstration project administered by DCF by requiring DCF to pay any employer in the state that employs a program or demonstration project participant a subsidy equal to the wages the employer actually pays the participant, up to 40 hours per week at minimum wage and for a maximum of 1,040 hours. These expansions take place only while federal moneys are available under the Temporary Assistance for Needy Families Emergency Fund under ARRA and if DCF determines these expansions are the preferred mechanism for obtaining that federal funding.

Act 393 (SB-338) provides that if the funeral and burial expenses of certain deceased persons whose estates are insufficient to pay for their funeral and burial expenses do not exceed \$4,500, a county must pay the amount of the expenses or \$1,500, whichever is less, on the deceased person's behalf. Under former law, the maximum amount of such expenses that could so obligate a county was \$3,500.

PUBLIC HEALTH

Act 28 (AB-75) makes the following changes to the laws relating to public health:

1. Requires DHS to apply for available federal funding for the school-based Dental Sealant Program.

2. Allows providers of MA services in the city of Racine who are certified to provide care coordination services and are participating in the program to reduce fetal and infant mortality and morbidity to be certified to provide MA recipients prenatal and postpartum care coordination services. The act also requires DHS to work with the city of Racine to oversee the program to reduce fetal and infant morbidity and mortality.

Act 198 (AB-709) requires retail establishments to allow a person who has a certain type of medical condition to use the establishment's employee restroom.

Act 209 (AB-659) eliminates the requirement that a person provide written consent for an HIV test. The act instead provides that a health care provider, including a blood bank or blood or plasma center, may perform an HIV test on a person if the provider informs the person that the test will be performed unless the person declines, informs the person about the test and care for HIV and AIDS, and gives the person an opportunity to decline the test. The act also makes other changes to laws affecting HIV testing and disclosure of HIV test results.

Act 279 (SB-323) requires that the physician or midwife who attends a birth ensure that the infant is screened

for hearing loss either before being discharged from the hospital or, if the infant was not born in a hospital, within 30 days of birth. The parents or legal guardian of the child must be fully informed of the purposes of the screening and must be given an opportunity to object. The physician or midwife, who is required to ensure that the infant undergoes a screening, must ensure the parents or guardian are informed of the screening results, provide diagnosis and treatment resources if the infant has an abnormal screening, and provide the screening results to DHS.

Act 334 (AB-296) makes changes to the laws governing integrated services programs for children with severe disabilities, which are programs that provide support to children with mental, physical, sensory, behavioral, emotional, or developmental disabilities who are in two or more systems of care.

OTHER HEALTH AND SOCIAL SERVICES

Act 28 (AB-75) makes the following changes to the laws relating to health and social services:

1. Establishes maximum fees that a health care provider may charge for copies of patient health care records.
2. Requires one- and two-bed adult family homes that receive MA or Supplemental Security Income to be certified by DHS.
3. Increases license fees for community-based residential facilities and adult family homes, increases the certification fee for adult day care centers, and authorizes DHS to increase the license fees for community-based residential facilities and adult family homes.
4. Authorizes DHS to assess a fee against a hospital, nursing home, community-based residential facility, residential care apartment complex, adult family home, hospice, home health agency, or adult day care center if DHS takes enforcement action against the facility or provider and subsequently conducts an on-site inspection to review the facility's or provider's action to correct the violation.
5. Eliminates the fee reductions for birth certificates, death certificates, marriage certificates, and divorce or annulment certificates that had been scheduled for July 1, 2010.
6. Reduces the reimbursement amounts for pharmacists under the Senior Care program to the pharmacist reimbursement amounts applicable under MA.
7. Transfers from DETF to DHS the administration of the BadgerRx Gold program, a pharmacy benefits purchasing program.

Act 83 (AB-111) changes the lifetime benefit limit per covered individual under the Health Insurance Risk-Sharing Plan (HIRSP) from \$1,000,000, to \$1,000,000 or a higher amount determined by the HIRSP Authority. HIRSP provides health care coverage, generally, for persons who have been refused private health insurance coverage and persons who are covered under Medicare because they are disabled.

Act 84 (AB-112) changes one of the eligibility criteria for coverage under HIRSP from rejection of coverage by two or more insurers to rejection of coverage by one or more insurers.

Act 219 (SB-484) authorizes DHS to establish and, until January 1, 2014, operate the BadgerCare Plus Basic Plan, which provides coverage of limited primary and preventive health care benefits to individuals who are eligible, but on the waiting list, for coverage under the MA BadgerCare Plus Core Plan for childless adults. The act provides that benefits under the Basic Plan may not exceed the benefits under the Core Plan; that costs will be paid through premiums collected from covered individuals; that DHS may set a deductible for inpatient and nonemergency outpatient hospital services that does not exceed \$7,500 per year, as well other cost sharing; and that, except for payments to federally qualified health centers and hospital outlier payments, DHS must pay a provider that provides a service to a covered individual an amount that is not less than the amount that would be paid for the service under MA.

Insurance

Act 11 (AB-255) requires, in order to conform to federal law, additional notice of the continuation of health insurance coverage from a former employer for certain people. The act also allows an additional period to elect continuation of health insurance coverage from a former employer.

Act 14 (SB-27) requires health insurance policies and governmental self-insured health plans to cover the cost of hearing aids and cochlear implants and related services for children. The coverage may be subject to cost-sharing and various limitations and exclusions other than for preexisting conditions.

Act 28 (AB-75) makes the following changes relating to motor vehicle insurance:

1. Requires all motor vehicle insurance policies to have uninsured motorist coverage and underinsured motorist coverage, each with limits of at least \$100,000 per person and \$300,000 per accident.

2. Prohibits a motor vehicle insurance policy from providing that uninsured or underinsured motorist coverage limits, or medical payments limits, under more than one policy covering more than one vehicle may not be added together (commonly known as “stacking”) to determine the total coverage limit, but allows a policy to limit the number of motor vehicles for which the limits may be added (or “stacked”) to three motor vehicles. Under former law, a policy could prohibit stacking.

3. Increases the minimum medical payments coverage from \$1,000 per person to \$10,000 per person, although an insured may reject this coverage.

4. Requires that each application for an umbrella or excess liability policy that insures a motor vehicle, and the first renewal after November 1, 2009, of such an existing policy, include a written offer of uninsured and underinsured motorist coverage.

5. Defines an uninsured motor vehicle, for purposes of uninsured motorist coverage, to include an unidentified vehicle involved in an accident, and, if the accident is not a hit-and-run accident, requires that evidence in support of the vehicle’s involvement be provided by an independent third party.

6. Prohibits a motor vehicle insurance policy from providing that the limits for uninsured or underinsured motorist coverage for bodily injury or death may be reduced by other types of payments, such as worker’s compensation payments or disability benefit payments. Former law explicitly permitted such reductions. See also *Act 342*, item 1; and *Transportation — Traffic and Parking Regulation*, item 1.

Act 28 also makes the following changes to health and other insurance laws:

1. Requires health insurance policies and governmental self-insured health plans to cover treatment for autism spectrum disorders if the treatment is provided by specified, qualified providers. With annual adjustments for inflation, policies and plans must cover at least \$50,000 in intensive-level services per insured per year for at least four years, and at least \$25,000 in nonintensive level services per insured per year.

2. Requires health insurance policies and governmental self-insured health plans, at the request of an applicant or insured, to provide coverage for an adult child of the applicant or insured if the child is under 27 years old, not married, and not eligible for employer-provided coverage that costs the same or less than the cost of covering the child as a dependent. If the child’s education was interrupted by active duty in the national guard or reserves, the child may be covered if he or she is a full-time student, regardless of age.

3. Requires health insurance policies and governmental self-insured health plans to cover contraceptives and outpatient consultations, examinations, procedures,

and medical services that are necessary to prescribe, administer, maintain, or remove a contraceptive.

4. Limits the time during which an individual health insurance policy may reduce or deny coverage based on a preexisting condition to 12 months and prohibits an individual health insurance policy from defining a preexisting condition more restrictively than a condition for which medical advice, diagnosis, or treatment was recommended or received within 12 months before the effective date of coverage.

5. Requires the Commissioner of Insurance to prescribe uniform questions and the format that insurers must use for applications for individual health insurance policies.

6. Provides that an insured under an individual health benefit plan may, at the renewal of the plan, change his or her coverage to a different plan offered by the insurer that is comparable, has more limited benefits, or has higher deductibles, and that the insurer may not impose any new preexisting condition exclusion or base rates on any health status that did not apply when the insured acquired the original coverage.

7. Provides for the independent review of health insurance contract rescissions and of coverage denials based on preexisting condition exclusions. Under former law, only denials of coverage based on determinations that the treatment did not meet plan requirements for medical necessity or effectiveness or that the treatment was experimental were reviewable.

8. Requires care management organizations to obtain a permit from the office of the Commissioner of Insurance in order to provide services through the Family Care program. The act subjects a care management organization to oversight and regulation similar to that of an insurance company.

9. Increases the fees for appointing or renewing the appointment of an insurance agent.

Act 146 (AB-614) requires that health insurers and governmental self-insured health plans provide, at the request of an insured or enrollee, an estimate of what the insured or enrollee would pay in out-of-pocket costs for a particular health care service in the particular geographic region in which it would be provided. See also *Health and Social Services — Health*.

Act 165 (SB-471) makes the following changes related to cooperative associations that operate health care plans:

1. Specifies that such a plan may be the primary, rather than the exclusive, purpose of a cooperative association.

2. Allows a cooperative association to contract for services with additional types of providers.

3. Allows a cooperative association to offer benefits to nonmembers in addition to members.

4. Provides that the limit on the amount of capital stock or membership fees that a cooperative association may spend on promotional expenses does not apply to a cooperative association that operates a health care plan.

5. Eliminates a prohibition on contracting for the payment of cash or other material benefit to a subscriber or the subscriber's estate on account of death, injury, or illness.

Act 218 (SB-362) requires the exclusions and limitations; deductibles; copayments; coinsurance; annual and lifetime limits; out-of-pocket limits; out-of-network charges; day, visit, or appointment limits; referral limits; and duration or frequency of coverage limits for coverage of the treatment of nervous and mental disorders and alcoholism and other drug abuse problems under group health benefit plans and governmental self-insured health plans, both of which are required to provide that coverage, and under individual health benefit plans that, although not required to, also provide that coverage, to be no more restrictive than the most common or frequent type of treatment limitations applied to substantially all other coverage under such plans. The act provides exceptions from the requirement for group health benefit plans covering employers with fewer than 10 employees and group health benefit plans that experience certain specified cost increases as a result of the requirement.

Act 275 (AB-699) allows an insurer to market or operate a wellness program that meets certain conditions described in federal regulations without violating an unfair trade or marketing practice. A wellness program is designed to promote health or prevent disease by offering a reward to individuals insured under a health insurance policy or plan.

Act 282 (SB-667) provides that a health insurance policy and a governmental self-insured health plan must cover the services of a licensed behavior analyst, or of a paraprofessional working under the supervision of a licensed behavior analyst, for the treatment of autism spectrum disorder if the behavior analyst or paraprofessional is qualified to provide the services. See also *Occupational Regulation*.

Act 342 (AB-701) makes a number of changes to the laws relating to insurance, including:

1. Limits motor vehicle insurance coverage requirements to a motor vehicle owned by the insured person or leased by the insured person for a term of six months or longer, and provides that an underinsured motor vehicle may be one for which the owner or operator is a self-insurer under another applicable motor vehicle law or has furnished proof of financial responsibility, with self-insurance or proof of financial responsibility limits

that are less than the amount needed to compensate the insured's for his or her damages, and that an uninsured motor vehicle may be one for which the owner or operator is not a self-insurer under any other applicable motor vehicle law. See also *Act 28*, item 6.

2. Makes various changes regarding the insurance security fund, such as requiring an insured's petition for review or an insurer's appeal of an assessment be filed in Dane County Circuit Court within 60 days.

3. Requires DHS to disregard benefits paid under certain long-term care insurance policies from consideration for eligibility for the Medical Assistance program.

4. Requires an insurance intermediary who seeks reinstatement of a revoked license to pay twice the amount of the license renewal fee.

5. Imposes a fee for filing an original electronic resident intermediary license application.

6. Allows the Commissioner of Insurance to assign a priority for certain obligations to a segregated account in a liquidation.

Act 343 (SB-572) modifies the law regulating the issuance of annuity contracts, including the information an insurer or insurance intermediary must consider when determining if an annuity is suitable for, and whether to recommend an annuity to, an individual and the supervisory system an insurer must have in place to ensure compliance with the requirements related to issuance of annuities. The act also establishes training requirements for an insurance intermediary that sells annuity products.

Act 344 (SB-513) allows any individual, regardless of whether the individual has a catastrophic or life-threatening illness, to sell his or her life insurance policy for an amount less than the death benefit but greater than the policy's cash surrender value or accelerated death benefit, a transaction now known as a life settlement and formerly as a viatical settlement. The act prohibits fraud relating to life settlements, including initiation of a life insurance policy for the benefit of a third party who has no insurable interest in the individual's life. The act also regulates various other aspects of life settlements, including requiring an individual who wants to sell the policy within five years of the policy's issuance date to meet certain criteria.

Act 346 (SB-163) requires all health insurance policies, and all governmental self-insured health plans, that cover any diagnostic or surgical procedures to cover colorectal cancer examinations and laboratory tests, according to guidelines specified by the Commissioner of Insurance, for any insured or enrollee who is at least 50 years of age, or who is under 50 years of age and at high risk for colorectal cancer.

Justice

Act 28 (AB-75) increases the handgun purchaser record check fee from \$8 to \$13.

Act 74 (AB-211) clarifies that if a county, and an American Indian tribe with a reservation in the county, apply to DOJ for a grant to fund cooperative law enforcement activities, the application must specify either that the county or the tribe will administer the grant or that the county and the tribe will each administer a portion of the grant.

Act 138 (AB-419) makes confidential any personal information provided on an application for crime victim compensation if the crime involves sexual assault or other criminal acts that are sexually motivated. See also *Courts and Civil Actions* and *Crime and Criminal Procedure*.

Act 167 (AB-230) requires DOT to make driver's license and identification card photographs available to DOJ and requires DOJ, under certain circumstances, to make these photographs electronically available to law enforcement agencies.

Act 258 (SB-44) requires DOJ, when conducting a background check on a prospective handgun purchaser, to determine if a court has ordered the person not to possess a firearm due to a determination that the person's mental health would render the person ineligible under federal law to possess a firearm. The act also requires DOJ to convey information regarding a person disqualified from possessing a firearm to the National Instant Criminal Background System. See also *Health and Social Services — Mental Health and Developmental Disabilities*.

Act 358 (SB-533) allows DOJ to create a crime alert network to notify law enforcement agencies, state agencies, and members of the private sector who subscribe to the network, of suspected criminal activity.

Local Law

Act 5 (SB-7) requires DOR to treat Tax Incremental District (TID) number 10 in the city of Chippewa Falls as if the city amended the district's project plan effective January 1, 2007.

Act 18 (SB-49) changes the procedures for filling vacant civil service positions in a first class city (presently only Milwaukee).

Act 28 (AB-75) makes the following changes in the area of local law:

1. Extends levy limits for cities, villages, towns, and counties (political subdivisions) to taxes that are levied in 2009 and 2010, and makes a number of modifications to the levy limits. The act increases the valuation factor to be the greater of 3 percent or the percentage change in a political subdivision's equalized value due to new construction, less improvements removed, and allows the base amount of a political subdivision's levy to be the maximum allowable levy for the immediately preceding year.

2. Authorizes a first class city to issue appropriation bonds on a onetime basis to pay all or any part of the city's unfunded prior service liability with respect to the city's employee retirement system.

3. Requires DOR to impose an annual \$150 administrative fee on each TID or environmental remediation tax incremental district (ERTID) for which DOR authorizes the allocation of a tax increment. The fee is imposed on the city, village, or town (municipality) that created the TID or on the municipality or county that created the ERTID.

4. Authorizes a city or village to extend for up to one year the life of a TID that has paid off all of its project costs if the city or village adopts a resolution to do so and forwards a copy of the resolution to DOR. DOR must continue to allocate tax increments for the number of months specified in the resolution. The city or village must use at least 75 percent of the tax increments it receives to benefit affordable housing in the city or village; any remaining increments must be used to improve the city's or village's housing stock.

5. Requires that any member of the police force of a first class city who is suspended be provided pay and benefits until the suspension is disposed of by the board of fire and police commissioners or until the time for an appeal expires without an appeal. The act also eliminates limitations on the discharge of a member without pay or benefits before the conclusion of the appeal process.

6. Expands the infrastructure expenses for which premier resort area tax proceeds can be used to include exposition center facilities used primarily for certain specified activities, such as conventions, trade shows, musical or dramatic events, and sporting, educational, cultural, and commercial activities.

7. Decreases the total amount of county and municipal state aid payments, but specifies that the decrease in any county's or municipality's payment may not exceed 15 percent of the amount that the county or municipality would otherwise have received in 2010.

8. Provides that the amount that a municipality receives in public utility aid payments each year may not exceed \$425 multiplied by the municipality's population.

9. Provides that the amount a county receives in public utility aid payments each year may not exceed \$125 multiplied by the county's population.

10. Requires that each county and municipality spend in each year for emergency services no less than the amount it spent for those services in 2009.

11. Exempts sites used to excavate soil, gravel, or other material for use in constructing embankments or other earthworks in state highway construction projects from local zoning requirements. See also *Transportation — Highways and Local Assistance*, item 6.

Act 40 (SB-185) requires the PSC to promulgate rules for political subdivisions to regulate the construction and operation of wind energy systems with a nominal operating capacity of less than 100 megawatts. In promulgating the rules, the PSC must consult with the Wind Siting Council, which the act creates. If a political subdivision chooses to regulate such wind energy systems, its ordinances may not be more restrictive than the PSC rules. The act also allows a person who is aggrieved by a political subdivision's action on an application to construct such a wind energy system, or by a political subdivision's enforcement action regarding such a wind energy system, to appeal to the PSC, which may issue an order superseding the political subdivision's action. See also *Natural Resources — Conservation and Forestry and Public Utilities*.

Act 47 (AB-33) makes technical changes that affect the public debt amortization fund of a first class city.

Act 66 (AB-174) authorizes the sharing of tax increments by an ERTID that has recovered its costs with another ERTID of the same political subdivision.

Act 67 (SB-132) extends from 27 years to 37 years the life of TID number 2 in the city of Racine.

Act 75 (AB-209) authorizes a county to provide financial assistance to a nonprofit organization that primarily provides assistance to individuals who are victims of domestic violence and related crimes.

Act 98 (AB-292) allows a register of deeds to return, without recording, all related documents representing one transaction if a single document within the group is improperly formatted. See also *Real Estate*.

Act 107 (AB-325) and **Act 223** (SB-224) require the governing body of a municipality to provide the Commissioner of Railroads with a copy of a petition to discontinue a public highway if there is a railroad highway crossing within the highway that is subject to the petition.

Act 112 (SB-440) authorizes counties to issue industrial development revenue bonds and waives certain federal bond limitations allocated to cities and counties under

ARRA. The act also requires Commerce to develop a system for reallocating the waived bond limitations to other state and local units of government. See also *Business and Consumer Law — Economic Development and Investment*.

Act 147 (AB-165) expands the types of property that a neighborhood improvement district in a first class city may specially assess.

Act 154 (AB-128) authorizes a sheriff or undersheriff to depute security officers employed by DMA to conduct security checks around military installations.

Act 170 (SB-116) requires DOR to allocate tax increments and make certain calculations regarding TID number 4 in the village of Elmwood as if the district had been created on January 1, 2006.

Act 173 (AB-213) harmonizes inconsistencies and discrepancies in laws that apply to cities and villages, based on the work of a special committee of the Joint Legislative Council.

Act 176 (SB-463) extends from 15 years to 26 years the expenditure period of TID number 6 in the city of Sheboygan and requires DOR to certify the tax incremental base of TID number 18 in the city of Waukesha as if the district had been created on January 1, 2008.

Act 191 (SB-477) allows the retirement system of a first class city to keep abandoned employee retirement account funds to reduce employer funding obligations to the retirement system.

Act 205 (SB-399) authorizes two or more cities, villages, towns, or counties, or a combination thereof, to create a commission to issue conduit revenue bonds if the attorney general approves. The act authorizes the creation of one such commission only, which is an independent unit of government. A commission may exercise eminent domain authority, and interest on the bonds it issues is exempt from taxation. After a commission's creation, a unit of government from another state may become a commission member.

Act 207 (SB-423) eliminates the requirement that the county board member of a library board of a first class city library reside outside the city. The act also provides that for a library board of a library in a first class city, a majority of the seats on the board that are currently filled constitutes a quorum. Preexisting law required seven members for a quorum.

Act 253 (AB-347) authorizes a sheriff to sell unclaimed personal property at a public auction on an Internet site.

Act 256 (AB-633) allows counties to use jail surcharge fees for educational and medical services to inmates.

Act 259 (SB-573) provides that law enforcement information in a record that is in the possession of a local government information technology processing entity is not accessible from that entity if the entity received the information from another local governmental unit for purposes of information storage, information technology processing, or other information technology usage. See also *State Government — Other State Government*.

Act 264 (AB-713) authorizes tribal law enforcement agencies to request assistance from state and local law enforcement agencies and to respond to requests for assistance from these agencies.

Act 272 (SB-624) expands the authority of political subdivisions to make residential energy efficiency improvement loans and authorizes political subdivisions to make water efficiency improvement loans and impose special charges for the loans.

Act 285 (SB-520) requires a municipality to pay health insurance premiums for the survivors of a fire fighter who dies, or has died, in the line of duty if the municipality pays these premiums for its employees who are fire fighters.

Act 310 (SB-291) authorizes a city or village to designate a TID as distressed, or severely distressed, and expands the use of donor TIDs. A distressed TID is one that will not generate enough revenue to pay off its project costs, a severely distressed TID is a distressed TID that has a 25 percent decline in its highest value increment over the course of a single year, and a donor TID is one that has paid off its project costs.

Act 312 (SB-412) changes certain administrative procedures relating to tax incremental financing districts, including procedures that DOR or a city or village must follow if DOR determines that the value of the property in the TID exceeds 12 percent of the value of all of the taxable property in the city or village.

Act 314 (SB-507) requires a register of deeds to make social security numbers in electronic records inaccessible on the Internet. The act also changes certain fees charged by a register of deeds and makes various changes to the land information program.

Act 351 (SB-314) requires cities and villages with a population of 12,500 or more to report to DOA whether they have enacted a traditional neighborhood zoning ordinance, encourages cities and villages with a population of less than 12,500 to enact such an ordinance, and specifies the authority of political subdivisions to establish mixed-use zoning districts.

Act 366 (SB-172) limits city and village use of direct annexation by unanimous approval to town land that is contiguous to the annexing city or village.

Act 369 (SB-427) includes county housing authorities as groups that may participate in a joint local government self-insured health insurance plan.

Act 370 (AB-638) provides that a requester of land information records of a county or municipality has a right to receive them in the same format in which the custodian maintains them.

Act 372 (SB-601) specifies which actions of a local governmental unit must be consistent with the unit's comprehensive plan and how they must be consistent. The act also permits, under certain conditions, an extension of the deadline for ensuring consistency with the comprehensive plan.

Act 378 (AB-857) and **Act 379** (SB-615) make changes to the requirements for establishing municipal electric companies and to the powers of these companies. See also *Public Utilities* and *Real Estate*.

Act 405 (SB-530) limits the locations in which a payday lender licensed by DFI may operate based on its proximity to other licensed payday lenders or residential zoning districts, but authorizes a political subdivision to enact a zoning ordinance that is more restrictive than the conditions the act establishes. A political subdivision may enforce its existing regulations on payday lenders if those regulations are at least as restrictive as the provisions in the act, and an existing payday lender may continue to do business at a nonconforming location. See also *Financial Institutions*.

Natural Resources

CONSERVATION AND FORESTRY

Act 40 (SB-185) requires DNR to identify areas in this state where wind turbines could have a significant adverse effect on bat and migratory bird populations. See also *Local Law* and *Public Utilities*.

Act 55 (SB-123) makes various changes to the laws regulating invasive species, including prohibiting a person from placing an object or operating a vehicle in a navigable water or transporting an object or a vehicle on a highway if certain aquatic plants or animals are attached to it. The act also expands DNR's authority to waive compliance with invasive species laws to prevent a threat to public health or safety or the environment.

Act 181 (AB-562) updates the name of the organization that certifies master loggers under a grant program DNR administers.

Act 186 (SB-408) permits a landowner to withdraw land from the Managed Forest Land Program, which allows an owner of forest land that meets certain requirements to make payments in lieu of property taxes, without the assessment of withdrawal taxes and fees if the land is transferred or leased to a county, city, village, or town for siting a public safety communications tower.

Act 365 (AB-580) makes changes relating to the Managed Forest Land Program, including:

1. Changing the date by which DNR must act on an application to enter land into the program and the date by which an owner of managed forest land must file a renewal application.

2. Eliminating the requirement that DNR prepare all of the forestry management plans. The act requires each application for entry into the program to include a management plan.

3. Requiring an owner of managed forest land to inform a buyer of the land that the land is in the program.

Act 373 (SB-557) requires DNR, at the request of a landowner, to identify, evaluate, or review the boundaries of wetlands that are or may be located on the landowner's land and to provide the landowner with a written statement upon conclusion of DNR's work. Depending on the scope of the landowner's request, DNR must base its determination upon a review of wetlands maps or an onsite evaluation of the land.

Act 391 (SB-661) authorizes DNR to issue a general permit for wetland restoration activities sponsored by a federal agency in lieu of issuing certain individual permits or water quality certifications that would otherwise be required for those activities.

FISH AND GAME

Act 6 (AB-4) eliminates the requirement that a person use only an artificial lure with a barbless hook when fishing during a catch and release bass or muskellunge fishing season and eliminates the requirement that DNR establish a catch and release muskellunge fishing season on certain waters.

Act 38 (SB-112) eases the restrictions on possessing, purchasing, selling, or trading the carcasses and skins of certain fur-bearing wild animals during the applicable closed season.

Act 39 (SB-167) creates the Hunting Mentorship Program, which authorizes a person to hunt under limited circumstances without first completing a hunter education program. For purposes of the program, the act lowers the minimum hunting age from 12 to 10. The act requires a person who hunts under the program to have a valid hunting approval and to stay within arm's

reach of a qualified mentor. The mentor must also hold a valid hunting approval and may take only one person hunting at a time, among other restrictions.

Act 48 (AB-86) authorizes a person age 65 or over who holds a nonresident archer hunting license to hunt with a crossbow.

Act 109 (AB-83) requires DNR to issue an annual fishing license to a disabled resident who receives veterans disability compensation payments based on his or her skills or education as well as on his or her medical records. This requirement allows the disabled resident to pay a lower fee for the license.

Act 119 (AB-332) authorizes a person who holds one of several specified hunting licenses to hunt with an airgun. The act also expands the authority of a person age 65 or over who holds one of several specified hunting licenses to hunt with a crossbow.

Act 132 (AB-382) requires DNR to issue an annual fishing license to a disabled resident who is a veteran and who receives certain federal pension benefits for a disability that is not related to his or her military service. This requirement allows the disabled resident to pay a lower fee for the license.

Act 364 (SB-401) authorizes DNR to issue one-day fishing licenses to residents and nonresidents.

Act 375 (SB-396) authorizes a person assisting a disabled person who is fishing with a permit that allows the disabled person to use a boat with a trolling motor where motorized boats are prohibited also to fish from the boat. Both persons must either have a fishing license or be exempt from holding a fishing license.

Act 385 (SB-243) eliminates the three-day waiting period for using a deer hunting license that authorizes bow hunting and that was issued during a deer bow hunting season.

NAVIGABLE WATERS

Act 7 (SB-6) adds a portion of the Brunswiler River to the state's system of wild rivers that are protected for conservation and recreational purposes.

Act 28 (AB-75) requires DNR to classify each dam according to the damage expected to occur if the dam failed. The act requires DNR to inspect high hazard dams at least once every 10 years and requires dam owners to have their dams professionally inspected according to a schedule based on the dam's classification.

Act 32 (AB-43) adds portions of the Totogatic River to the state's system of wild rivers that are protected for conservation and recreational purposes.

Act 352 (SB-348) eliminates the requirement that a vote by condominium owners to amend a marina condominium declaration be unanimous, making the voting requirement for amending a marina condominium declaration the same as the requirement for other condominiums.

Act 377 (SB-614) authorizes the operation of a motor vehicle, under limited circumstances, on the exposed beds of Lake Superior and Lake Michigan and on other waters connected to these lakes in order to destroy or prevent the spread of the invasive species, *Phragmites australis*.

PARKS AND RECREATION

Act 31 (SB-12) prohibits operating a motorboat, other than a personal watercraft, at a speed in excess of slow-no-wake within 100 feet of a lake's shoreline. The act allows certain local units of government to enact ordinances that exempt motorboats from the prohibition or that substitute a lesser number of feet. For personal watercraft, the act imposes a limit of 200 feet.

Act 54 (SB-188) permits the use of golf carts by persons 16 years of age or over in Governor Tommy G. Thompson Centennial State Park and the Peshtigo River State Forest.

Act 70 (SB-38) requires DNR to provide a 50 percent discount to a business that owns motorbuses for the daily admission sticker fees for buses entering state parks and certain other state recreation areas if the business, when making its first purchase of admission stickers during a given year, purchases at least 50 stickers.

Act 85 (SB-241) changes the definition of an all-terrain vehicle (ATV) to include ATV's that are up to 50 inches in width and changes the amount of tire pressure ATV tires must have in order to meet the definition.

Act 175 (SB-448) establishes a Utility Terrain Vehicle (UTV) Pilot Program similar to the Lightweight Utility Vehicle Program under former law. UTVs are motor driven vehicles that are, among other requirements, lightweight vehicles designed to be used primarily off of a highway. The program authorizes DNR, a federal agency, a county, or a municipality that participates in the program to designate ATV routes and trails that may also be used by operators of UTVs. The program ends on July 1, 2012.

Act 252 (SB-264) prohibits a person from operating an ATV or snowmobile on public property posted as closed to ATV or snowmobile operation, respectively.

Act 367 (SB-400) authorizes ATVs with attached snow removal devices to be used under certain circumstances on roadways that are not ATV routes.

Act 389 (AB-599) makes permanent the speed limit of 55 miles per hour for operating snowmobiles at night. Formerly, this limit was to end on July 1, 2010.

Act 394 (SB-266) creates a Nonmotorized Recreation and Transportation Trails Council and requires the council to study and make recommendations to the legislature, governor, DOT, and DNR on matters related to nonmotorized recreation and transportation trails.

Occupational Regulation

Act 10 (AB-103) authorizes the Dental Examining Board to issue a temporary permit to practice dentistry or dental hygiene without compensation in a specified area to a dentist or dental hygienist licensed in another state.

Act 28 (AB-75) makes the following changes to occupational regulation laws:

1. Requires DRL to include with each nursing credential renewal application a survey, developed by DWD, on potential nursing shortages, to make renewal of a nursing credential contingent on completion of the survey, and to assess a survey-related surcharge of \$4 on each nursing credential renewal. See also *Employment — Other Employment*, item 4.

2. Makes the following changes to the regulation of chiropractors by the Chiropractic Examining Board:

- a. Requires the successful completion of an exam administered by the board as a condition of licensure as a chiropractor.

- b. Requires chiropractors to evaluate their clients and refer to a physician any client whose condition will not or does not respond to chiropractic treatment.

- c. Requires a person wishing to act as and identify himself or herself as a chiropractic technician or a chiropractic radiological technician to obtain a certificate from the board and to complete continuing education credit hours before each certificate renewal.

- d. Prohibits a chiropractor from receiving reimbursement from an insurer for a patient's coinsurance, deductible, or copayment if the chiropractor waives those charges.

3. Generally requires a pharmacy to dispense a lawfully prescribed contraceptive drug or device unless the prescription is erroneous or potentially fraudulent.

4. Establishes grievance resolution procedures to be followed by persons licensed or certified by the Marriage and Family Therapy, Professional Counseling, and Social Work Examining Board.

Act 29 (SB-216) requires a person to register annually with DRL prior to operating as a professional employer organization or professional employer group or using the titles professional employer organization, professional employer group, PEO, or PEG.

Act 106 (SB-184) prohibits the practice of radiography except by individuals who have met certain educational requirements, passed an examination, and been granted a license or limited permit by the Radiography Examining Board, which is created by the act. The act also prohibits the use of diagnostic X-ray equipment on humans except by prescription or order of certain health care practitioners.

Act 111 (SB-290) generally provides for DRL regulation of professional and amateur mixed martial arts fighting contests in a manner similar to DRL's current regulation of boxing.

Act 123 (AB-142) prohibits the practice of landscape architecture except by registered landscape architects. Former law prohibited only the use of the title by individuals who are not registered.

Act 130 (AB-47) prohibits a person from providing martial arts instruction to a minor unless the person has a permit from DRL. DRL must conduct a criminal background check of each applicant and may not grant a permit to a disqualified offender.

Act 142 (SB-455) expands a program for the donation, collection, and redistribution of prescription drugs and medical supplies for cancer and certain chronic diseases. Under the act, prescription drugs for any illness may be donated if federal regulatory requirements are met.

Act 149 (AB-275) changes the Physical Therapists Affiliated Credentialing Board to an independent examining board. Under former law, the board was attached to the Medical Examining Board.

Act 162 (SB-482) makes several changes to the regulation of athletic trainers, including eliminating temporary licensure, altering the definition of athletic training, and requiring a referral for athletic training provided in certain settings.

Act 168 (AB-591) permits an optometrist to dispense a contact lens that delivers a therapeutic pharmaceutical agent if DRL authorizes the optometrist to prescribe or administer that therapeutic pharmaceutical agent.

Act 174 (SB-504) modifies the definition of professional employer organization (PEO), authorizes small operations registration for certain PEOs and professional employer groups (PEG), exempts small operations PEOs and PEGs from the requirement to provide financial statements to DRL, and specifies the allocation between a PEO or PEG and the client of a PEO or PEG of tax

credits, economic development incentives, taxes, and other assessments or expenditures.

Act 189 (SB-168) permits the manager of a barbering or cosmetology establishment to delegate the supervision of an apprentice barber or cosmetologist to a licensed barber or cosmetologist with at least 2,000 hours of practice.

Act 280 (SB-460) authorizes a physician, physician assistant, and certified advanced practice nurse prescriber (practitioner) to prescribe, dispense, or furnish to a patient an antimicrobial drug to be used by a person who is the sexual partner of the patient, but not a patient of the practitioner, to treat a sexually transmitted disease.

Act 282 (SB-667) regulates the practice of behavior analysis, which includes the design of systematic modifications to produce improvements in human behavior. An applicant is eligible for licensure as a behavior analyst if he or she is certified by a specified private organization as a behavior analyst. The act provides for professional discipline, and authorizes DRL to promulgate rules for behavior analysts if the rules are consistent with standards of the private organization. See also *Insurance*.

Act 350 (AB-288) makes changes to examinations and qualifications required for registration as a professional engineer, including eliminating provisions authorizing registration as a professional engineer based solely on work experience or based in part on graduation from an engineering course not approved by the Examining Board of Architects, Landscape Architects, Professional Engineers, Designers, and Land Surveyors.

Act 355 (AB-588) creates a Massage Therapy and Bodywork Therapy Affiliated Credentialing Board; requires licensure by the board, rather than certification by DRL, for persons wishing to provide massage therapy or bodywork therapy; authorizes the board to issue temporary licenses; modifies educational and examination requirements for persons seeking licensure; and creates requirements for massage therapy and bodywork therapy schools, training programs, and instructors.

Act 356 (SB-358) changes educational and examination requirements for licensure and temporary licensure of audiologists and modifies the definition of deceptive advertising for audiologists, speech-language pathologists and hearing instrument specialists; prohibits hearing instrument specialists from making intentional or negligent misrepresentations regarding a hearing impairment, hearing aid, or services; and eliminates the advisory Council on Speech Language Pathology and Audiology.

Act 360 (SB-389) generally requires sign language interpreters to be licensed by DRL. The act creates two levels of licensure with separate educational requirements and establishes a council with advisory and limited rule-making responsibilities. The act contains exceptions to the licensure requirement, including exceptions for

interpreters at school or school-sponsored events or at religious services, or for certain support service providers. DRL must promulgate a code of ethics for interpreters and may promulgate additional rules.

Act 362 (AB-227) directs the Pharmacy Examining Board to create a program to monitor the dispensing of certain controlled substances and drugs with a substantial potential for abuse. The act grants pharmacists and prescribers immunity from discipline or liability for good faith compliance with the program. The act is void if the board fails to obtain federal funding for the program.

Act 382 (AB-877) changes the procedure for summarily suspending a license or credential granted by the Medical Examining Board; requires a physician to make a written report to the board when the physician reasonably believes that another physician is engaged in unprofessional conduct or is unable to practice medicine and surgery; requires a physician to complete professional development requirements before renewing registration with the board; and permits a person holding a temporary educational permit to practice medicine and surgery to prescribe narcotics under the direction of a licensed physician.

Act 388 (SB-403) limits the information that the holder of a credential issued by DRL may protect from release by DRL in response to certain information requests. Under the act, a credential holder may prevent the release of his or her social security number, telephone number, street name and number, e-mail address, and post-office box number.

Act 396 (AB-417) permits an applicant for initial licensure as a veterinarian to satisfy the education prerequisites by completing the Program for the Advancement of Veterinary Education Equivalence offered by the American Association of Veterinary State Boards.

Public Utilities

Act 28 (AB-75) does the following with respect to public utilities:

1. Requires telecommunications utilities, including wireless providers, to pay annual assessments based on their gross operating revenues, and appropriates the assessment to DATCP for administering certain consumer protection requirements related to telecommunications service.

2. Prohibits the PSC from making disbursements from the wireless 911 fund, other than grants to local governments and wireless providers for which the fund was created.

3. Requires providers of active retail voice communications service to impose a monthly fee on customers and a onetime fee on purchasers of prepaid wireless plans, which must be identified as a “police and fire protection fee,” and which must be remitted to the state and used for shared revenue payments.

Act 40 (SB-185) requires the PSC to promulgate rules regarding the regulation, by cities, villages, towns, and counties, of wind energy systems with a nominal operating capacity of less than 100 megawatts. The act also requires the PSC to consider the restrictions in those rules when the PSC determines whether to approve construction of a wind energy system with a nominal operating capacity of 100 megawatts or more. See also *Local Law* and *Natural Resources — Conservation and Forestry*.

Act 238 (AB-566) makes remedial changes to certain review, reporting, and out-of-date requirements regarding the PSC.

Act 378 (AB-857) and **Act 379** (SB-615) allow for the construction of certain high-voltage transmission lines without prior PSC approval. See also *Local Law* and *Real Estate*.

Act 383 (AB-689) requires the PSC to award grants to a nonprofit advocate for residential ratepayers for the purpose of intervening in proceedings before the PSC.

Act 403 (AB-600) eliminates the requirement that the PSC approve rate increases for electric utilities based on increased fuel costs, and instead allows the PSC to approve certain fuel cost plans for electric utilities.

Act 406 (SB-273) specifies the following resources upon which electric utilities and certain cooperatives may create credits for complying with annual deadlines under preexisting law for ensuring that specified percentages of retail electric sales are derived from renewable energy: solar energy, including solar light pipe technology; geothermal energy; biomass; biogas; certain synthetic gases; certain densified fuel pellets; and fuel produced by pyrolysis of organic or waste material. However, a credit may be created only if the use of a specified resource displaces the use of electricity derived from coal, oil, nuclear power, or natural gas, except for natural gas used in fuel cells. The act also allows credits, including credits created under preexisting law, to comply with an annual deadline for any year. Former law limited use of a credit to an annual deadline for a year subsequent to the year in which the credit was created or purchased.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bill 516 and *Senate Bill 340* would have eliminated limits on the PSC's authorization of nuclear power plant construction.

Assembly Bill 649 and *Senate Bill 450*, referred to as the "Clean Energy Jobs Act," would have implemented recommendations of the governor's Global Warming Task Force by making changes to energy efficiency, conservation, and renewable resource programs that energy utilities and certain cooperatives are required to administer or fund; annual deadlines for electric utilities and certain cooperatives to ensure that specified percentages of retail electric sales are derived from renewable energy; and requirements for PSC authorization of nuclear power plants construction.

Assembly Bill 696 and *Senate Bill 469* would have limited the PSC's authority over incumbent and competitive local exchange carriers and made other changes to telecommunications law, including specifying the PSC's authority over voice over Internet protocol service.

Real Estate

Act 2 (SB-62) makes the following changes relating to real estate law:

1. Imposes certain requirements on foreclosure reconveyances, which are transactions in which the owner of residential real property in foreclosure transfers the property to a third party with a subsequent conveyance, or a promise of a subsequent conveyance, of the property back to the former owner. The act requires written contracts for these transactions and specifies requirements for the contracts, including notice and cancellation requirements.

2. Imposes certain requirements on foreclosure consultants who offer services to owners of residential real property in foreclosure, including assistance in obtaining a loan or postponing a foreclosure sale. The act specifies who may be a foreclosure consultant and requirements for the contracts between owners and foreclosure consultants, including notice and cancellation requirements.

3. Requires a landlord to notify any prospective tenant if the rental property is in foreclosure, as well as when the redemption period ends if judgment has been entered.

4. Requires the plaintiff in a foreclosure action against residential rental property to notify every tenant of the action, when the redemption period ends, and when the confirmation of sale hearing will be held.

The act gives the tenant the right to retain possession of, and prohibits the removal of the tenant from, the rental unit for up to two months beginning after the end of the month in which the sale of the property is confirmed and allows the tenant to withhold rent in the amount of the security deposit during the period in which he or she retains possession of the rental unit. See also *Courts and Civil Actions*.

Act 4 (SB-9) allows a buyer in a residential real estate transaction to sue the seller in tort for fraud or intentional misrepresentation. The act reverses a Wisconsin Supreme Court decision that allowed economic damages only for breach of contract, under the economic loss doctrine, in residential real estate transactions involving fraud or intentional misrepresentations.

Act 95 (SB-204) prohibits housing discrimination based on domestic abuse, sexual assault, or stalking victim status.

Act 98 (AB-292) provides that, even if a document fails to conform to one or more of the requirements for recording, the document is considered recorded if it is accepted for recording, and properly indexed, by a register of deeds. See also *Local Law*.

Act 117 (AB-400) requires a landlord to change a tenant's locks within 48 hours of the tenant's request if the tenant provides the landlord with a certified copy of any of the following: certain injunctions protecting the tenant or the tenant's child from another person; a condition of release ordering a person not to contact the tenant; a criminal complaint alleging that a person sexually assaulted or stalked the tenant or the tenant's child; or a criminal complaint filed as a result of a person's arrest for domestic abuse against the tenant (threat- or harm-prevention document). The act provides that, with certain exceptions, the landlord is not required to change the locks if the person who is the subject of the threat- or harm-prevention document is also a tenant of the premises for which the locks would be changed.

Act 133 (SB-262) provides that the requirement to record an instrument that evidences the purchase of a time share does not apply to a time-share license, which is the right to occupy any of several time-share units under a lease agreement.

Act 211 (AB-670) requires a seller of real property to disclose on the real estate condition report whether the seller is aware that the property is subject to a county shoreland zoning mitigation plan, which obligates any owner of the property to establish or maintain certain measures related to shoreland conditions.

Act 323 (SB-591) provides that when a residential tenant dies, the tenancy terminates 60 days after the landlord receives notice or otherwise becomes aware of the death, or at the end of the rental agreement term if that is earlier.

The act provides that neither the deceased tenant nor his or her estate is liable for rent after the termination of the tenancy and prohibits the landlord from contacting a member of the deceased tenant's family to obtain rent for which the family member is not liable.

Act 348 (SB-587) provides for a correction instrument to correct information in a previously recorded conveyance, such as a deed. See also *Courts and Civil Actions*.

Act 357 (SB-605) allows certain required disclosures by a seller of a condominium unit to be made electronically.

Act 376 (SB-626) makes a number of changes relating to platting:

1. Allows disapproval of a final plat that is not submitted within 36 months after the preliminary plat was submitted. Formerly, the period was 24 months.

2. Requires a register of deeds to accept a plat for recording if it is offered within 12 months after the last approval and within 36 months after the first approval. Former law required acceptance if the plat was offered six months after the last approval and 24 months after the first approval.

3. Requires a professional engineer, a planner, or another person charged with the responsibility to review plats to advise an approving authority as to whether the final plat conforms to the preliminary plat and whether it should be approved.

4. Allows a subdivider to construct a project in phases approved by a governing body and requires the governing body to limit any required surety bond or other security to the phase being constructed.

5. Provides that the ordinances with which a preliminary or final plat must comply are those that are in effect when the preliminary or final plat is submitted for approval.

6. Prohibits a city, village, town, or county from enacting an ordinance governing the division of land that is more restrictive than the state statutes relating to land division, with respect to time limits, deadlines, notice requirements, or other provisions providing protections for a subdivider.

Act 378 (AB-857) and **Act 379** (SB-615) treat the property interests of interstate natural gas companies like the interests of public utilities for purposes of notice requirements for conveyances and a statute of limitations regarding certain actions based on interests in real estate. See also *Local Law* and *Public Utilities*.

Act 399 (AB-260) prohibits an incorporated city or village from denying approval of a plat on the basis of the proposed use of land within its extraterritorial plat approval jurisdiction, unless the denial is based on a plan adopted by the governing body of the city or village that

is approved by a joint extraterritorial zoning committee including town members.

State Government

STATE BUILDING PROGRAM

Act 28 (AB-75) makes the following changes to laws relating to the state building program:

1. Creates the Milwaukee Initiative Program to provide financial support to attract federal and private funds for the construction of research and academic facilities that will spur science education and research activities at the UW-Milwaukee. Total funding commitments may not exceed \$240,000,000.

2. Requires the Building Commission to allocate \$4,000,000 for planning, programming, and site identification for a joint museum facility to serve the State Historical Society and DVA.

Act 28 also authorizes, in general fund supported borrowing, the following:

1. Up to \$300,000 to aid in the construction and renovation of facilities and the purchase of equipment for the AIDS Network, Inc.

2. Up to \$500,000 to aid in the repair and restoration of the Grand Opera House in Oshkosh.

3. Up to \$500,000 to aid in the construction of a climate change classroom and interactive laboratory for the Aldo Leopold Nature Center, Inc.

4. Up to \$100,000 to aid in the restoration of the Stone Barn historic site in the town of Chase.

5. Up to \$800,000 to aid in the construction and renovation of facilities and the purchase of equipment in the cities of Green Bay, Milwaukee, or Kenosha for the AIDS Resource Center of Wisconsin, Inc.

6. Up to \$5,000,000 to aid the Bradley Center Sports and Entertainment Corporation in the capital maintenance and repair of its sports and entertainment facility.

7. Up to \$250,000 to aid in the construction of a museum facility for the Madison Children's Museum.

8. Up to \$6,600,000 to aid Dane County in the construction of anaerobic digesters for the Dane County Yahara Watershed Project.

9. Up to \$500,000 to aid in the construction of an educational center facility in the city of La Crosse for Myrick Hixon EcoPark, Inc.

10. Up to \$125,000 to aid in the remodeling of the L. E. Phillips Memorial Public Library in the city of Eau Claire.

Act 28 (AB-75), **Act 331** (SB-514), and **Act 361** (SB-656) authorize \$1,700,933,700 in new or expanded state building projects, excluding highway projects, and also authorize \$1,239,574,300 in new general fund supported borrowing authority for the state building program and capital equipment for buildings.

Act 361 (SB-656) authorizes up to \$10,000,000 in general fund supported borrowing to make a grant to the Marshfield Clinic to aid in the construction of a rural dental education outreach facility in Marshfield.

STATE FINANCE

Act 2 (SB-62) makes the following changes to laws relating to state finance:

1. Requires the governor to submit to JCF, for approval or modification, a plan for the expenditure of ARRA funds. The act further provides that state building projects funded entirely by ARRA funds need not be enumerated in the state building program.

2. Requires the secretary of administration to lapse or transfer \$124,500,000 to the general fund from executive branch appropriations before July 1, 2011, and requires the Joint Committee on Legislative Organization to lapse or transfer \$500,000 to the general fund from legislative branch appropriations before July 1, 2011. See also *Act 28*, item 5.

3. Eliminates the prohibition against the legislature passing a bill that would cause the general fund balance at the close of the 2008–09 fiscal year to be less than \$65,000,000 or that would cause general fund expenditures to exceed general fund taxes and revenues during the 2008–09 fiscal year.

4. Provides that a borrower of money from the Board of Commissioners of Public Land (BCPL) must repay the loan directly to BCPL, and not to DOA, and changes the dates that a borrower may prepay a loan installment during a year, without interest. The act further provides that a county may borrow money from BCPL to acquire or install energy efficient equipment.

Act 11 (AB-255) increases the amount that the secretary of administration may temporarily reallocate to the general fund from other state funds during the 2008–09 fiscal year from an amount up to 5 percent to an amount up to 7 percent of moneys appropriated from general purpose revenue. See also *Act 28*, item 2.

Act 28 (AB-75) makes the following changes to laws relating to state finance:

1. Permits DOA to publish the biennial state budget report and the budget-in-brief on the Internet.

2. Increases the amount that the secretary of administration may temporarily reallocate to the general fund from other state funds during the 2009–11 fiscal biennium from an amount up to 5 percent to an amount up to 7 percent of moneys appropriated from general purpose revenue. See also *Act 11*.

3. Prohibits the legislature from passing a bill that would cause the general fund balance at the close of the 2012–13 and 2013–14 fiscal years to be less than \$65,000,000. Currently, the amount is 2 percent of total general purpose revenue appropriations for each fiscal year.

4. Permits BCPL to make loans to a local professional baseball park district.

5. Amends *Act 2* to increase the amount that the secretary of administration must lapse or transfer to the general fund from executive branch appropriations before July 1, 2011, by \$354,807,600, and to increase the amount that the Joint Committee on Legislative Organization must lapse or transfer to the general fund from legislative branch appropriations before July 1, 2011, by \$12,205,000. See also *Act 2*, item 2.

Act 28 also authorizes Investment Board employees to disclose information to other Investment Board employees who are also students participating in a securities analysis program at a graduate school of business if the information will be used only for program purposes.

Act 353 (SB-391) pays a claim against the state made by Stillmunkes, Inc.

STATE PROCUREMENT

Act 136 (AB-2) requires that all contractual services purchased by state agencies be performed within the United States unless the services cannot be obtained within the United States; the services are paid for with federal funds; or the services are purchased by the UW System from gifts, grants, or endowment trust fund income.

Act 299 (AB-228) creates an exception to the requirement that a state agency contracting out for materials or services must award the contract to the lowest responsible bidder by allowing an agency to award a contract to a disabled veteran-owned business that submits a bid that is no more than 5 percent higher than the lowest bid. See also *Business and Consumer Law — Economic Development and Investment* and *Transportation — Other Transportation*.

OTHER STATE GOVERNMENT

Act 2 (SB-62) permits the Wisconsin Health and Educational Facilities Authority (WHEFA) to issue bonds to finance research facility projects. A research facility is a building, institution, place, or agency of a nonprofit entity used for the advancement of scientific, medical, or technological knowledge.

Act 11 (AB-255) provides that a household in which the income is not more than 60 percent of the statewide median household income is eligible for energy and weatherization assistance administered by DOA. Under former law, an eligible household's income could not be more than 150 percent of a poverty level determined under federal law.

Act 28 (AB-75) requires the Office of Justice Assistance to identify, collect, and analyze information related to motor vehicle traffic stops. See also *Transportation — Traffic and Parking Regulation*.

Act 33 (SB-31) enacts the Uniform Prudent Management of Institutional Funds Act, which governs the management and investment of assets in funds held by institutions organized and operated exclusively for educational, religious, or charitable purposes. Significantly, the act permits an institution to appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which the endowment fund is established.

Act 91 (SB-170) establishes a legal holiday, Juneteenth Day, on June 19. State agencies will remain open for this holiday.

Act 143 (SB-292) exempts all books published by the State Historical Society from certain requirements governing the printing of public documents. Under former law, only hardbound books were exempt from those requirements.

Act 177 (AB-570), **Act 178** (AB-571), **Act 179** (AB-572), **Act 180** (AB-573), **Act 182** (AB-568), **Act 183** (AB-569), **Act 213** (AB-567), and **Act 276** (AB-720) are correction bills. See also *Buildings and Safety, Act 276*.

Act 232 (SB-148) permits tribal officers in an Indian tribe or band to exercise the powers of a state law enforcement officer if the tribe or band maintains liability insurance; the insurance policy states that tribal sovereign immunity cannot be raised to defend a claim against the policy; and the tribe or band provides evidence to DOJ of the required insurance. Former law allowed for the exercise of these powers only if the tribe or band had in effect a resolution waiving its sovereign immunity to allow the enforcement of its liability.

Act 259 (SB-573) provides that if the Office of Justice Assistance has custody of law enforcement investigation information in a record that was created by a law enforcement agency, the information is not accessible from the office or from any other law enforcement agency with which the office shares the information. See also *Local Law*.

Act 327 (AB-430) designates October 10 as William D. Hoard day to honor this state's 16th governor and publisher of the dairy industry magazine, *Hoard's Dairyman*.

Act 363 (SB-227) makes the following changes affecting the legislature during an emergency:

1. Establishes a process for selecting interim successors for legislators if, during a state of emergency, 9 or more senate seats or 25 or more assembly seats are vacant at the same time. For each vacancy, the act directs the leader of the party of the member whose seat is vacant to select an interim successor from a list of people who are eligible to serve and are nominated by local party officials.

2. Authorizes each house of the legislature, during a state of emergency, to conduct legislative business without assembling in person if the house uses technology that permits all members of the house to simultaneously hear or read the comments of other members and to access all documents used in the virtual meeting.

3. Authorizes the legislature to designate a place to meet during a state of emergency that is different from the temporary seat of government the governor designates. See also *Veterans and Military Affairs, Act 42*.

Act 401 (SB-279) directs DOA to require state agencies to sharply reduce their use of gasoline and diesel fuel in state-owned vehicles by specified dates and to pursue the establishment and maintenance of sufficient alternative fuel refueling facilities in this state to meet the traveling needs of the public. The act also requires the Office of Energy Independence to serve as the central unit of state government to coordinate all state agency activities in connection with the office's duties, to work on initiatives with goals that ensure Wisconsin is a national leader in developing biorefineries and advancing the sale and use of certain gasoline and biofuel blends, and to coordinate with other state agencies the preparation of a biennial strategic bioenergy feedstock assessment. See also *Agriculture; Business and Consumer Law — Economic Development and Investment; Business and Consumer Law — Other Business and Consumer Law; Education — Higher Education; and Taxation*.

Taxation

Act 2 (SB-62) requires all related corporations to file a combined report for state income and franchise tax purposes and calculate their state tax liability based on the business activity of all the related corporations. The act also adopts the substantive provisions of the multistate Streamlined Sales and Use Tax Agreement.

Act 2 also does all of the following related to income and franchise taxes:

1. Provides tax credits under a consolidated development zones program.
2. Allows dairy cooperative members to claim the dairy manufacturing and expansion tax credit for expenses paid by the cooperative.
3. Provides a tax credit for expenses paid to modernize or expand a meat processing operation.
4. Allows a person to claim a tax credit for 25 percent of the person's investment in a new business.

Act 11 (AB-255) modifies the enterprise zone jobs credit so that a taxpayer may claim an income and franchise tax credit for creating new jobs in an enterprise zone. See also *Business and Consumer Law — Economic Development and Investment*.

Act 28 (AB-75) provides property tax exemptions for benevolent low-income housing, housing projects financed by WHEDA, benevolent retirement homes for the aged, and all property owned by the Wisconsin Quality Home Care Authority.

Act 28 also makes the following changes in the laws related to taxation:

1. Creates a fifth individual income tax bracket, which is indexed for inflation. The new rate for this bracket is 7.75 percent, for taxable year 2009, and the new rate applies to taxable income exceeding \$225,000 for single filers, heads of households, and fiduciaries; \$300,000 for married joint filers; and \$150,000 for married separate filers.
2. Modifies the indexing provisions for the sliding scale standard deduction and the income tax brackets to specify that the annual indexing adjustment may not be a negative number.
3. Decreases from 60 percent to 30 percent the percentage of capital gains that is subtracted from federal adjusted gross income in the calculation of income that is subject to taxation, except that this change does not apply to certain assets used in farming.
4. Authorizes a claimant (individuals and individual partners or shareholders of certain entities) to defer the payment of income taxes on up to \$10 million of

long-term capital gains if the claimant invests all of the proceeds in a qualified new business venture, as certified by Commerce.

5. Postpones the scheduled phase-in of the deduction for health insurance premiums paid by both employees whose employer pays some portion of the employee's health insurance costs, and by an individual who does not have an employer and who has no self-employment income.

6. Delays the initial applicability of the deduction for certain expenses related to child and dependent care that may be claimed under the federal credit for child and dependent care expenses.

7. Authorizes individuals who claim the federal earned income tax credit (EITC) and who receive an advance payment of that credit to request that their employers adjust their paychecks so that they receive an advance payment of their state EITC.

8. Authorizes taxpayers to include casualty losses that are directly related to a presidentially declared disaster in the calculation of the itemized deduction tax credit.

9. Modifies the individual income tax deduction for contributions to college savings accounts by extending the deduction to contributions made by parents where the beneficiary is their child, but is not their dependent, as determined under federal law, and by clarifying the annual deduction limits that may be claimed by an individual.

10. Creates an individual income tax check-off for donations to Second Harvest Food Banks in Wisconsin.

11. Creates an individual income tax check-off for donations to the military family relief fund. See also *Veterans and Military Affairs*, item 4.

12. Creates a refundable individual income tax credit for a beginning farmer who leases an established farmer's agricultural assets, other than land, and uses the assets for farming, and also creates a refundable individual and corporate income and franchise tax credit for the established farmer whose assets are leased. See also *Agriculture*, item 1.

13. Prohibits any person from filing a new claim after tax year 2009 under the former farmland preservation tax credit and the farmland tax relief credit, and creates a new farmland preservation tax credit for tax year 2010 and beyond that is based on the number of the claimant's qualifying acres, the location of the acres, and whether the acres are subject to a new farmland preservation agreement. See also *Agriculture*, item 1.

14. Indexes for inflation the homestead tax credit maximum income level, maximum property tax amount, and income threshold formula factors, and increases

from \$250 to \$500 the per dependent income deduction under the credit formula.

15. Adopts changes to the Internal Revenue Code made by the federal Worker, Retiree, and Employer Recovery Act of 2008.

16. Modifies the biodiesel fuel production tax credit so that taxpayers may claim the credit beginning in 2012 and ending in 2014.

17. Allows a business to claim tax credits for increasing its net employment in this state. See also *Business and Consumer Law — Economic Development and Investment*, item 11.

18. Modifies the enterprise zone jobs credit so that a taxpayer may also claim 10 percent of the taxpayer's significant capital expenditures. See also *Business and Consumer Law — Economic Development and Investment*, item 11.

19. Modifies the angel and early stage seed investment credits so that taxpayers must hold their investments for at least three years.

20. Modifies the film production services credit so that a taxpayer may claim a credit for a film or video that costs more than \$50,000 to produce or for an electronic game that costs more than \$100,000 to produce.

21. Modifies the film production company investment credit so that the credit may be claimed for operating expenses and for more than the first three taxable years that a company is doing business in this state.

22. Requires that, in order to claim the supplement to the federal historic rehabilitation credit, the state historic preservation officer must recommend the rehabilitation for approval by the federal secretary of the interior.

23. Allows a corporation to use any of its remaining net business loss or tax credit carry-forward to offset the tax liability of other corporations that are members of the corporation's combined group for tax reporting purposes.

24. Provides a credit for an established farmer equal to 15 percent of the amount a beginning farmer pays to the established farmer to lease machinery, facilities, or livestock.

25. Provides a credit for corporations equal to 125 percent of the corporation's qualified research expenses, based on a three-year average.

26. Modifies the electronic medical records credit so that it cannot be claimed before 2012.

27. Imposes penalties on taxpayers who fail to submit required documents to DOR.

28. Requires a person who must file 50 or more tax-related documents with DOR to file the documents electronically.

29. Allows DOR to enter into agreements with financial institutions so that the department can match information regarding delinquent taxpayers to accounts.

30. Allows DOR to enter into an agreement with a state agency to retain any portion of a tax refund to pay any debt owed to the agency, if the debt has been reduced to a judgment or if the agency has provided the debtor reasonable notice and an opportunity for a hearing.

31. Allows DOR to enter into agreements with the courts, the legislature, authorities, and local units of government to collect debts owed to these entities.

32. Allows DOR to enter into agreements with American Indian tribes or bands in this state to collect and remit state taxes imposed on activities that occur on tribal lands or are undertaken by tribal members outside of tribal lands.

33. Provides sales and use tax exemptions for fuel sold for use in motorboats that are used for sports fishing; machinery and equipment sold to persons who are engaged primarily in manufacturing or biotechnology in this state, if used in research; items sold to persons who are engaged primarily in manufacturing or biotechnology in this state, if the items are consumed while being used in research; and machines, equipment, and other items used in raising animals that are sold for use in research or manufacturing.

34. Provides that a transit authority may impose sales and use taxes.

35. Increases the amount distributed for the improvements property tax credit.

36. Increases the tax on cigarettes from \$1.77 per pack to \$2.52 per pack, the tax on tobacco products from 50 to 71 percent of the manufacturer's list price, and the tax on moist snuff from \$1.31 an ounce to 100 percent of the manufacturer's list price.

Act 152 (AB-375) provides a property tax exemption for a nonprofit community theater in La Crosse.

Act 155 (SB-215) provides a property tax exemption for trail groomers owned by nonprofit snowmobile or all-terrain vehicle clubs.

Act 161 (SB-439) adopts Internal Revenue Code provisions related to individual retirement accounts and to the federal Heroes Earnings Assistance and Relief Tax Act of 2008.

Act 171 (AB-159) requires a taxation district to submit annually to DOR a list of property omitted from the district's property tax roll and that is to be included

on the district's next property tax roll, if the total taxes levied on such property exceed \$5,000.

Act 199 (SB-87) increases the annual loan amount under WHEDA's property tax deferral loan program from \$2,500 to \$3,525.

Act 204 (SB-452) modifies the sales tax exemption for food sold by child care centers so that food sold by any licensed child welfare facility is exempt.

Act 234 (AB-561) eliminates the notary requirement for local property tax assessor certification renewal.

Act 235 (AB-563) deletes an obsolete cross-reference related to the property tax assessment of agricultural land.

Act 265 (SB-409) does all of the following:

1. Modifies the angel investment tax credit so that a taxpayer may claim 40 percent, rather than 25 percent, of the taxpayer's investment in a business that has received no more than \$2,000,000 in qualified angel investments.

2. Modifies the early stage seed investment credits so a taxpayer may claim a credit for an investment in a business that was located outside Wisconsin, if the business relocated to this state no more than 60 days after the taxpayer made the investment and was certified as a qualified new business venture no later than 180 days after relocating.

3. Provides income and franchise tax credits to a business equal to a percentage of the tuition that the business pays for an individual to participate in an education program at a postsecondary institution located in this state, if the individual was eligible for a grant under the Federal Pell Grant Program. See also *Business and Consumer Law — Economic Development and Investment* and *Education — Higher Education*.

4. Allows Commerce to reallocate the amount of unused angel and early stage seed investment credits to the Jobs Tax Credit Program.

Act 267 (AB-864) modifies the enterprise zone jobs tax credit so that a business located in an enterprise zone may claim as a credit up to 1 percent of the amount that the business paid to purchase goods or services from a Wisconsin vendor. See also *Business and Consumer Law — Economic Development and Investment*.

Act 269 (AB-749) provides an income and franchise tax credit for equipment that is used primarily to harvest or process woody biomass that is used as fuel.

Act 294 (AB-756) extends the dairy and livestock farm investment tax credits so that taxpayers may claim the credits until 2012 and increases the aggregate amount of tax credits that each kind of entity may claim from \$50,000 to \$75,000.

Act 295 (AB-757) provides a tax credit of 10 percent of the expenses paid to build, expand, or update a food processing plant or food warehouse.

Act 330 (SB-625) makes technical changes to the administration of state sales and use taxes so that the administration of such taxes is consistent with the Streamlined Sales and Use Tax Agreement.

Act 332 (SB-651) provides an income and franchise tax credit to Miller Brewing Company in Milwaukee, based on the annual increase, if any, in the taxpayer's water usage costs from 2009, but the maximum amount that a taxpayer may claim in any year is \$300,000. See also *Business and Consumer Law — Economic Development and Investment*.

Act 359 (SB-608) requires DOR to study income tax reciprocity with the state of Minnesota.

Act 401 (SB-279) does all of the following:

1. Modifies the definition of "agricultural land" for property tax purposes to include the growing of short rotation wood crops.

2. Modifies the ethanol and biodiesel fuel pump tax credit so that it applies to installing pumps that mix fuels and allows the consumer to choose the percentage of renewable fuel to dispense with motor vehicle fuel.

3. Exempts from the motor vehicle fuel tax the first 1,000 gallons of renewable fuel produced each year by an individual for use in his or her motor vehicle, if the individual does not sell any renewable fuel during that year. See also *Agriculture; Business and Consumer Law — Economic Development and Investment; Business and Consumer Law — Other Business and Consumer Law; Education — Higher Education; and State Government — Other State Government*.

Transportation

DRIVING PRIVILEGES

Act 8 (SB-36) makes discretionary, rather than mandatory, the suspension of a person's motor vehicle operating privilege if the person violates the state's Uniform Controlled Substances Act or commits a similar violation in another state. See also *Act 102*.

Act 17 (SB-37) allows certain persons convicted of traffic violations to pay their judgments in installments and prohibits the court from suspending their operating privileges if they comply with the installment payment plan. See also *Courts and Civil Actions*.

Act 28 (AB-75) permits DOT to contract with local law enforcement agencies to administer knowledge, road, and eyesight tests for “Class D” vehicle operators if no DOT examining station is located in the municipality of the law enforcement agency. “Class D” vehicles include most noncommercial motor vehicles other than Type 1 motorcycles.

Act 28 also subjects a person who commits an out-of-service violation relating to commercial motor vehicle operation to a civil penalty instead of a criminal penalty. The act also makes other changes relating to out-of-service violations, commercial driver licenses, and commercial motor vehicle operation.

Act 64 (SB-157) requires driver education courses to provide instruction relating to railroad highway grade crossings.

Act 102 (AB-177) makes permissive rather than mandatory the revocation of a person’s motor vehicle operating privilege by a court for a fourth offense operating after revocation, operating while suspended, or operating a commercial motor vehicle while disqualified. The act also eliminates DOT’s administrative revocation of operating privileges under these circumstances. See also *Act 8*.

Act 103 (AB-178) modifies certain procedures and standards related to reinstatement of a motor vehicle operating privilege, an authorization to operate a commercial motor vehicle, or a canceled driver’s license or identification card. The act also makes permissive, rather than mandatory, a court’s seizure of a person’s driver’s license upon suspension or revocation of the person’s operating privilege and restricts the seizure or surrender of a driver’s license under certain other circumstances. The act further modifies how the period for operating privilege suspension is calculated.

Act 167 (AB-230) requires DOT to make available to DOJ, in a digital format, its photographs of driver’s license and identification card applicants. DOJ must provide state and federal law enforcement agencies with prompt electronic access to these photographs if certain conditions are satisfied.

Act 243 (SB-487) clarifies that a person holding a motor vehicle occupational driver’s license cannot operate a commercial motor vehicle.

Act 245 (SB-489) eliminates the requirement that a nonresident provide proof of financial responsibility in order to reinstate the nonresident’s motor vehicle operating privilege that was previously suspended in Wisconsin.

Act 254 (SB-374) permits a law enforcement officer to operate certain commercial motor vehicles without holding a commercial driver’s license.

Act 326 (AB-32) allows DOT’s Employer Notification Program, which permits employers of commercial motor vehicle drivers to register driver names and be informed of traffic-related offenses, to be used also for drivers who do not operate commercial motor vehicles.

HIGHWAYS AND LOCAL ASSISTANCE

Act 2 (SB-62) requires DOT to spend the first \$300,000,000 of federal economic stimulus funds only on certain listed projects.

Act 28 (AB-75) changes state highway programs by:

1. Increasing the authorized limit on revenue bonds that may be issued for major highway projects from about \$2.7 billion to about \$3.0 billion.
2. Increasing by about \$250 million the authorized limit on general obligation bonds that may be used for the Marquette interchange reconstruction project and the I 94 north-south corridor reconstruction project.
3. Expanding the boundaries of the Zoo interchange reconstruction project in Milwaukee County.
4. Providing DOT with additional general obligation bonding authority of \$60 million for certain state highway rehabilitation projects.
5. Providing DOT with additional general obligation bonding authority of \$50 million for major highway projects and about \$204 million for state highway rehabilitation projects.
6. Exempting sites used to excavate material for use in constructing earthworks in state highway construction projects from local zoning requirements. See also *Local Law*, item 11.
7. Requiring DOT to maintain an inventory of completed designs for highway projects.
8. Modifying the sources of funding for the state’s share of costs for major interstate bridge projects and authorizing up to \$225 million in general obligation bonding for these projects if certain conditions are met.
9. Requiring DOT to ensure that bikeways and pedestrian ways are established in certain highway projects.
10. Requiring DOT, in submitting its 2011–13 budget request, to increase the base funding amount for its state-funds state highway rehabilitation program appropriation by more than \$100 million.
11. Imposing requirements on DOT related to numerous highway projects, including requiring DOT to award grants or otherwise provide funding for various projects in specified amounts and requiring DOT to construct a certain interchange in Dane County if certain conditions are met.

Act 28 changes local assistance programs by:

1. Increasing the rate and level of general transportation aids to counties and municipalities by 2 percent in 2010 and 3 percent in 2011.

2. Increasing the amount of state aid payments for mass transit systems. The act also creates an additional applicant group, made up of certain commuter or light rail systems, that is potentially eligible for mass transit system aids.

3. Decreasing DOT's allocations for the discretionary component of the Local Roads Improvement Program by about 6 percent in fiscal year 2009–10.

4. Providing a mechanism to supplement funding for grants to municipalities and counties for the planning, development, or construction of bicycle and pedestrian facilities under both DOT's Bicycle and Pedestrian Facilities Program and DOT's Transportation Enhancement Activities Program.

Act 116 (SB-284) requires DOT to designate and, upon receipt of sufficient contributions, mark the entire route of USH 63 as the "Gaylord Nelson Highway."

Act 126 (AB-198) requires DOT to identify on its public highway maps each veterans memorial highway or bridge and the location of specified veterans memorials, homes, and museums.

Act 127 (AB-362) requires DOT to designate and mark the bridge on USH 41 across the Peshtigo River in the city of Peshtigo as the "Steven Drees Memorial Bridge."

Act 151 (SB-410) requires DOT to designate and, upon receipt of sufficient contributions, mark a portion of I 43 in the city of Milwaukee as the "Jeannetta Simpson-Robinson Memorial Highway."

Act 153 (SB-244) eliminates the authorization for specific information signs on a segment of STH 21 between I 94 north of Tomah and USH 41 at Oshkosh.

Act 172 (AB-415) requires DOT to designate and, upon receipt of sufficient contributions, mark a portion of the route of USH 12 in the city of Whitewater as the "Stephen Ambrose Memorial Highway."

Act 193 (AB-766) requires DOT to designate and, upon receipt of sufficient contributions, mark a portion of the route of STH 50 in Kenosha County as the "Lee and Lynn Copen Memorial Highway."

Act 227 (SB-457) prohibits business entities from placing certain advertising or promotional signs, or causing them to be placed, in highway rights-of-way.

Act 231 (SB-287) authorizes a city, village, town, county, or DOT to transfer jurisdiction and ownership of a highway to an American Indian tribe or band or a United

States agency acting on behalf of an American Indian tribe or band.

IMPAIRED DRIVING

Act 100 (SB-66) makes several changes to the laws relating to drunken driving. The act:

1. Requires a judge to limit a person's operating privilege, for at least one year, to operating vehicles that are equipped with an ignition interlock device if the person commits a first drunken driving offense with an alcohol concentration of 0.15 or more or the person commits a second or subsequent drunken driving offense.

2. Imposes a 45-day waiting period before a person with two or more drunken driving offenses may obtain an occupational driver's license. The act also requires a person whose driver's license is revoked for a drunken driving offense to pay \$140 above the current \$60 fee to have his or her driving privilege reinstated.

3. Eliminates the reduced fees for persons who commit a first drunken driving offense with an alcohol concentration between 0.08 and 0.10.

4. Makes committing a first drunken driving offense a crime if, at the time of the offense, a child under the age of 16 was present in the vehicle involved in the offense.

5. Increases the minimum period of imprisonment for a third drunken driving offense to 45 days.

6. Makes a fourth drunken driving offense committed within five years of a prior offense a Class H felony and requires a person who commits a fourth drunken driving offense within five years to pay a minimum fine of \$600 and to serve a minimum term of six months' imprisonment.

7. Requires a person who commits a seventh, eighth, or ninth drunken driving offense to serve a minimum period of confinement in prison of three years.

8. Requires a person who commits a tenth or subsequent drunken driving offense to serve a minimum period of confinement in prison of four years.

9. Makes the commission of a second or subsequent drunken driving offense that causes injury to another person a Class H felony.

10. Allows any county in the state to adopt a sentencing scheme that allows a violator to complete a period of probation that includes alcohol and other drug treatment in exchange for a shorter period of imprisonment.

11. Extends the period of a driver's license revocation for a drunken driving offense by the number of days that the person is required to spend in jail or prison.

12. Allows a court to place on probation a person who commits a second, third, or fourth drunken driving offense but requires that the person be incarcerated for at least the mandatory minimum period as a condition of his or her probation.

13. Increases the maximum period of probation for a fourth drunken driving offense from one year to three years.

14. Increases the criminal offense fee from \$20 to \$163.

15. In most circumstances, prohibits a court from releasing a person after conviction but before sentencing if the person has been convicted of a third or subsequent drunken driving offense unless the court places the person on probation.

16. Requires a person who is ordered to install an ignition interlock device and who participates in the Huber Law Program to submit, within two weeks of his or her sentencing date, proof that he or she has complied with the order.

17. Allocates monies to JCF and requires DOA, on behalf of and with the assistance of the state public defender, director of state courts, district attorneys, DOJ, and DOC, to submit budget requests to JCF in order to cover the costs of the act.

18. Allocates monies to DOC to provide community probation supervision, to fund a monitoring center, and to fund enhanced community treatment for persons convicted of a second or third drunken driving offense.

Act 121 (SB-498) makes technical changes to Act 100.

Act 163 (SB-303) allows a police officer to require a driver involved in an accident that kills or seriously injures another person to submit to a test for intoxication if the officer has reason to believe that the driver violated any traffic law. The act allows a police officer to require a driver involved in an accident that causes lesser harm to another person to submit to a test for intoxication if the officer detects the presence of alcohol or drugs.

MOTOR VEHICLES

Act 28 (AB-75) does all of the following:

1. Eliminates the requirement that DOT establish new designs, and issue new license plates, for most vehicles every 10 years and instead requires that license plates be redesigned and reissued at intervals determined by DOT.

2. Creates a Milwaukee Brewers special license plate and a second special license plate related to endangered resources.

3. Eliminates the sunset date for the environmental impact fee payable to DOT when registering a new motor vehicle or applying for a new certificate of title.

4. Requires electronic filing by most creditors holding security interests in motor vehicles of security interest statements and releases.

5. Allows the owner of a fleet of certain types of vehicles to register the vehicles for a three-year period. Each vehicle so registered has the same registration expiration date.

6. Allows DOT to issue overweight vehicle permits for vehicle combinations having six or more axles, weighing up to 98,000 pounds, meeting specified criteria, and operating on STH 31.

7. Restores an overweight vehicle permit for raw forest products and a vehicle weight limit exception for the transportation of forest products on highways declared frozen.

Act 122 (SB-137) expands the definition of “motor bicycle” to be similar to the definition under federal law of “low-speed electric bicycle.” The definition includes two- and three-wheeled vehicles with fully operative pedals and an electric motor and that meet certain other conditions.

Act 135 (AB-592) allows certain historic military vehicles to be registered in a manner similar to antique vehicles, even if they do not meet federal motor vehicle safety standards for on-highway operation. These historic military vehicles are subject to significant restrictions on highway operation. The act also limits DOT in registering former military vehicles not meeting federal motor vehicle safety standards in other vehicle registration categories. See also *Act 225*.

Act 156 (AB-455) requires that portable scales used for the enforcement of vehicle weight limitations on highways be tested for accuracy every 180 days, rather than 90 days.

Act 159 (AB-579) creates a special registration plate for Marquette University if DOT receives sufficient contributions to cover the initial costs of production.

Act 195 (SB-17) requires DOT, if certain conditions are met, to issue national guard unit decals to be placed on national guard special plates.

Act 201 (SB-506) makes various changes relating to motor vehicle towing and storage liens, including expanding the availability of these liens to the towing and storing of any vehicle, not just a motor vehicle; clarifying the towing service provider’s lien rights and obligations and a vehicle owner’s or secured party’s obligations; and modifying the priority given towing and storage liens over other security interests.

Act 222 (AB-778) requires that vehicles operating under raw forest product overweight permits (RS permits) be allowed to exceed certain special weight limits and includes other provisions related to persons who operate overweight under an RS permit.

Act 224 (SB-307) creates a special registration plate supporting the Lions Clubs of Wisconsin.

Act 225 (SB-392) allows certain former military vehicles known as Pinzgauers, Kaiser Jeeps, Humvees, and Ducks to be registered as a type of collector vehicle. These vehicles may be registered even if they were originally designed and manufactured for off-highway operation and do not meet federal motor vehicle safety standards. See also *Act 135*.

Act 226 (SB-456) creates a special registration plate supporting motorcycle safety. These plates must display the words “share the road” and a logo associated with Harley-Davidson, Inc.

Act 228 (SB-505) modifies DOT’s authority with respect to the manner in which it may administer its emission inspection program. Among other things, the act allows DOT to contract with a motor vehicle dealer or servicer to perform vehicle emission inspections and also permits subcontracts and permits DOT to perform emission inspections. The act also allows DOT to grant temporary emission inspection exemptions during any period when DOT is unable to operate the emission inspection program.

Act 229 (SB-531) allows a vehicle operating intrastate to transport oversize or overweight loads of certain forest products under a Michigan border permit on a specified portion of USH 2.

Act 230 (SB-627) creates a special registration plate for women veterans.

Act 241 (SB-485) eliminates the requirement that the empty weight of motor trucks and certain other vehicles be displayed on the sides of the vehicles.

Act 242 (SB-486) allows DOT, for purposes of the motor vehicle financial responsibility law, to accept without limitation a liability release executed by a minor child’s parent or guardian.

Act 244 (SB-488) eliminates the requirement that an out-of-state insurer execute a power of attorney with DOT in order for its insurance policy or bond to be acceptable proof of financial responsibility in Wisconsin.

Act 246 (SB-490) eliminates a redundant provision allowing a person who leases a vehicle to an individual with a disability that limits or impairs his or her ability to walk to obtain special registration plates entitling the individual to certain parking privileges.

Act 311 (SB-321) redefines a “neighborhood electric vehicle” as a “low-speed vehicle” (LSV) and eliminates the requirement that such a vehicle be propelled by electric power. The act expands the authority of LSVs to operate on highways by authorizing the operation of LSVs on highways having a speed limit of 35 miles per hour or less that are under the jurisdiction of a municipality or county, subject to certain exceptions and subject to the authority of a municipality or county to override this general authorization by ordinance. The act specifically prohibits operating an LSV on highways except where authorized and prohibits operating an LSV at a speed in excess of 25 miles per hour.

Act 340 (SB-619) increases the additional annual fee for “Celebrate Children” special registration plates from \$20 to \$25.

TRAFFIC AND PARKING REGULATION

Act 22 (SB-29) prohibits opening a motor vehicle door without first taking due precaution. The act also eliminates, in most cases, the requirement that a bicyclist allow at least three feet between the bicyclist and a motor vehicle when passing a standing or parked motor vehicle.

Act 28 (AB-75) does all of the following:

1. Prohibits a person from operating a motor vehicle in Wisconsin unless the owner or operator has a motor vehicle liability insurance policy in effect providing coverage in the following minimum amounts for an accident: from January 1, 2010, to December 31, 2016, \$50,000 for bodily injury to or death of one person, \$100,000 for bodily injury to or death of more than one person, and \$15,000 for property damage; and, after December 31, 2016, the amounts just described, adjusted for inflation. However, there are exceptions to this insurance requirement, including for government-owned vehicles, self-insurers, and persons who post a bond or deposit cash in lieu of obtaining liability insurance. The act retains the financial responsibility requirements under preexisting law but increases the minimum amounts acceptable as proof of financial responsibility to match the insurance coverage amounts described above. See also *Insurance*, item 6.

2. Provides for primary enforcement of motor vehicle seat belt use requirements.

3. Requires law enforcement officers to collect certain information specified by DOA’s Office of Justice Assistance (OJA) when they make a motor vehicle traffic stop. The law enforcement agency must submit the information to OJA. OJA must analyze the information to determine whether the number of motor vehicle stops and searches involving racial minorities is disproportionate compared to the number involving

nonminorities. The act requires law enforcement training programs to provide training designed to prevent racial profiling or race-based discrimination as a basis for detaining, searching, or arresting a person. See also *State Government – Other State Government*.

Act 46 (AB-308) allows police vehicles with activated warning lights to be vehicle escorts. During the escort, the procession is not required to stop at red traffic signals or stop signs and other vehicles must yield right-of-way.

Act 62 (SB-252) provides that the laws relating to the duty of a vehicle operator to stop at the scene of an accident and satisfy certain responsibilities apply to certain accidents occurring off the highway if the vehicle has departed the highway immediately prior to the accident.

Act 65 (SB-158) requires a vehicle operator, when approaching a stop sign at a railroad crossing, to stop the vehicle immediately before a marked stop line or, if there is no line, at least 15 feet but not more than 50 feet from the nearest rail.

Act 97 (SB-278) removes the general prohibition on U-turns at intersections controlled by traffic control signals and prohibits making U-turns where visibility is limited, when it is unsafe to do so, or when making the U-turn would interfere with traffic. The act also permits a motorist to pass a left-turning vehicle on the right by using the roadway or a paved shoulder.

Act 157 (AB-574) permits the limited use for agricultural purposes of lightweight utility vehicles on highways.

Act 220 (AB-496) prohibits a person from driving a motor vehicle while composing or sending an electronic text message or an electronic mail message.

Act 255 (AB-552) prohibits a person from following an official snowplow more closely than 75 feet on a highway with a posted speed limit of 35 miles per hour or less, and from stopping more closely than 20 feet from a snowplow when the snowplow is stopped at an intersection.

OTHER TRANSPORTATION

Act 28 (AB-75) does all of the following:

1. Creates the Southeastern Regional Transit Authority (SERTA), a successor entity to the regional transit authority consisting of the counties of Kenosha, Racine, and Milwaukee and commonly referred to as the KRM authority, which is terminated by the act. In contrast to the KRM authority, whose authority was essentially limited to coordinating transit programs, conducting a study, and preparing a report, the SERTA has all powers necessary and convenient to create, construct, and manage a commuter rail transit system connecting the cities of Kenosha, Racine, and Milwaukee (KRM com-

muter rail line). The SERTA consists of the counties of Kenosha, Racine, and Milwaukee and its jurisdictional area is the geographic area formed by these counties. The powers of the SERTA are vested in its board of directors. The SERTA may impose a rental car transaction fee in its jurisdictional area of not more than \$18 per transaction, although this fee may be adjusted annually for inflation. Most of the revenues from this fee are retained by SERTA for expenditures related to the KRM commuter rail line. The SERTA may also issue revenue bonds in a principal amount not exceeding \$50 million for expenditures related to the KRM commuter rail line. The SERTA must submit an application to the Federal Transit Administration under the federal New Starts Grant Program to enter the preliminary engineering phase for the KRM commuter rail line.

2. Authorizes the creation of several new regional transit authorities (RTAs): the Dane County RTA, the Chippewa Valley RTA, and the Chequamegon Bay RTA. Each RTA's authority is vested in its board of directors, and its bylaws govern its management, operations, and administration. An RTA may operate a transportation system or provide for its operation by contracting with a public or private organization; impose a sales and use tax in the RTA's jurisdictional area at a rate not exceeding 0.5 percent if certain conditions are satisfied; acquire property by condemnation; and issue tax-exempt revenue bonds. An RTA must provide, or contract for the provision of, transit service within the RTA's jurisdictional area. An RTA may use its revenue only for the general expenses and capital expenditures of the RTA, to pay interest, amortization, and retirement charges on the RTA's revenue bonds, and for specific purposes of the RTA and may not transfer any revenue to any political subdivision.

3. Creates the Southeast Wisconsin Transit Capital Assistance Program under which DOT may award grants, subject to certain conditions and restrictions, to the SERTA for transit capital improvements. The state may issue up to \$100 million in general obligation bonds to award grants under the program.

4. Eliminates a provision that required local government and citizen approval before a light rail mass transit system could be constructed in Milwaukee County.

5. Creates a program to increase the availability of intercity bus service in the state.

6. With certain exceptions, requires that any project involving the improvement of rail property funded with public funds be let to the lowest responsible bidder.

7. Creates a program to award grants to federally recognized American Indian tribes or bands to assist in providing transportation services for elderly persons.

8. Specifies that farmland preservation zoning ordinances generally do not apply to DOT projects. See also *Agriculture*, item 1.

9. Increases the authority to contract state debt for acquisition and improvement of rail property from \$66,500,000 to \$126,500,000 and increases the authority to contract state debt for harbor improvements from \$53,400,000 to \$66,100,000.

10. Increases from \$82 million to \$122 million the authorized general obligation bonding authority for DOT's rail passenger route development program.

11. Authorizes DOT to accept payment of certain fees by electronic payment mechanism and to charge a fee for the service.

12. Authorizes DOT to charge a fee for providing a paper copy of an abstract of a person's operating record. The act also prohibits DOT from charging governmental units a fee for performing a computerized search of operators' records or for requesting a search of operators' records by telephone.

13. Requires DOT to prepare a report on the alternatives for extending high speed passenger rail service from Madison to Minneapolis or St. Paul.

Act 88 (SB-253) allows members of school safety patrols to use fluorescent yellow flags that are between 20 inches and 24 inches square.

Act 107 (AB-325) and **Act 223** (SB-224) require the governing body of a municipality to provide the Commissioner of Railroads with a copy of a petition to discontinue a public highway if there is a railroad highway crossing within the highway that is subject to the petition.

Act 118 (AB-456) allows DOT to electronically certify motor vehicle title and registration records so that these records will be self-authenticating for purposes of admissibility in court.

Act 124 (SB-57) authorizes the director of the Wisconsin Space Grant Consortium to designate a person to serve in his or her stead as a member of the Wisconsin Aerospace Authority.

Act 129 (AB-348) authorizes a city, village, town, or county to enter into an agreement with the owner of a private road within a manufactured home community to treat the private road as a public highway for traffic enforcement purposes.

Act 263 (SB-465) increases the permissible amount for grants under DOT's Safe-Ride Grant Program.

Act 299 (AB-228) creates certain preferences in awarding state contracts to disabled veteran-owned businesses and makes disabled veteran-owned businesses

eligible for DOT's Disadvantaged Business Mobilization Assistance Program. See also *Business and Consumer Law — Economic Development and Investment* and *State Government — State Procurement*.

MAJOR PROPOSALS THAT FAILED ENACTMENT OR ADOPTION

Assembly Bills 282, 723, 734, and 791 and Senate Bills 205 and 511 would have authorized the creation of RTAs in additional areas of the state beyond the areas where RTAs are authorized under Act 28.

Veterans and Military Affairs

Act 28 (AB-75) makes the following changes in the laws related to veterans and military affairs:

1. Provides financial aid to the spouse and children of certain military families and allows individuals filing tax returns to designate an amount of an additional payment or of a tax refund to fund the financial aid program.

2. Eliminates the requirement that veterans applying for tuition reimbursement provide certain information to DVA within a certain number of days after the start of the academic year for which reimbursement is requested.

3. Eliminates the requirement that a veteran apply for tuition reimbursement within 60 days after completing a course.

4. Expands the services available to homeless veterans to include the provision of single room occupancy housing. See also *Taxation*, item 11.

Act 35 (SB-75) designates July 27 as "Korean War Armistice Day" and requires the governor to issue a suitable proclamation for the observation of that day.

Act 36 (SB-76) designates March 29 as "Vietnam Veterans Day" and requires the governor to issue a suitable proclamation for the observation of that day.

Act 37 (SB-39) prohibits DVA from including the first \$50,000 of the cash surrender value of a veteran's life insurance policy when determining the veteran's eligibility for a subsistence aid or health care aid payment.

Act 42 (AB-316) reorganizes the laws relating to emergency management and updates and clarifies language. See also *Health and Social Services — Health* and *State Government — Other State Government*, Act 363.

Act 43 (AB-319) specifies the responsibilities and reimbursement of regional structural collapse teams, and

provides immunity from civil liability for a regional structural collapse team.

Act 49 (SB-195) adds a representative of the Wisconsin American GI Forum to the Council on Veterans Programs.

Act 113 (SB-191) allows an advanced practice nurse prescriber, audiologist, dentist, optometrist, physician, or podiatrist to complete the medical forms necessary to determine if a veteran may receive subsistence or health care aid from DVA. Previously, it was unclear which health care providers could complete these forms.

Act 144 (SB-293) requires the governor annually to proclaim March 25 as “Medal of Honor Day” to honor veterans awarded the Medal of Honor.

Act 197 (SB-515) provides that an authorization for final disposition of one’s body that a member of the U.S. armed forces executes on a form provided by the federal Department of Defense is valid in Wisconsin.

Act 210 (SB-617) creates an evidentiary privilege for confidential communications made by a veteran or a member of the armed forces or national guard to an approved veteran mentor.

Act 297 (SB-304) allows a veteran to receive tuition reimbursement from DVA for up to 11 credits during a semester of secondary or postsecondary education that begins more than 10 years after the veteran’s separation from military service even if the veteran enrolled in more than 11 credits during that semester.

Act 298 (SB-578) adds a representative of the Blinded Veterans Association of Wisconsin to the Council on Veterans Programs.

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